



Such is a short and very imperfect description of the state of the materials.<sup>1</sup> The operations necessary, to draw from them a useful history, formed the second subject of consideration. To omit other particulars, which will easily present themselves, and are common to this with all undertakings of a similar nature, a peculiar demand, it is evident, was presented for the exercise of discrimination, that is, of criticism, in a chaotic mass, of such extent, where things related to the subject were to be separated from things foreign to it; where circumstances of importance were to be separated from circumstances that were insignificant; where real facts, and just inferences, were to be separated from such as were the contrary; and above all things, where facts, really testified by the senses, were to be discriminated from matters, given as testified by the senses, but which, in truth, were nothing but matters of opinion, confounded with matters of fact, and mistaken for them, in the minds of the reporters themselves.<sup>2</sup>

<sup>1</sup> Il y avoit plus de choses la dessus qu'on ne le croyoit communement, mais elles estoient noyées dans une foule de recueils arabeux, en langues Latine, Espagnole, Angloise, et Hollandoise, ou personne ne s'avisait de les aller chercher; dans une quantité de routiers tres-secs, tresennuyeux, relatifs à cent autres objets, et dont il seroit presque impossible de rendre la lecture interressante. Les difficultés ne touchent guère ceux qui ne les essayent pas. Hist. des Navigation aux Terres Australes, par M. le President de Brosse

<sup>2</sup> L'on ne sent que trop, says Mr Gibbon, combien nous sommes portés à mêler nos idées avec celles que nous rapportons. *Memoire sur la Monarchie des Medes*, Gibbon's *Miscel Works*, iii. 61 Ed 8vo. This infirmity of the human mind, a fact of great importance, both in speculation and in action, the reader, who is not already acquainted with it, will find very elegantly illustrated in one of the chapters of the second volume

THE

# HISTORY

OF

# BRITISH INDIA,

By JAMES MILL, Esq.

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Hoc autem pressè et distinctè exentiamus sermone  
quodam activo et masculo, nusquam digrediendo, nil  
amplificando. *BACON, De Augm. Scient. Lib. ii.*

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VOL. I.

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a competent share of information with respect to every other great branch of the national interests, nothing is so rare as to meet with a man who can with propriety be said to know any thing of India, and its affairs. A man who has any considerable acquaintance with them, without having been forced to acquire it by the offices he has filled, is scarcely perhaps to be found.

The same must continue to be the case, till the knowledge of India is rendered more accessible. Few men can afford the time sufficient for perusing even a moderate portion of the documents from which a knowledge of India, approaching to completeness, must have hitherto been derived. Of those, whose time is not wholly engrossed, either by business or by pleasure, the proportion is very moderate whom the prospect of a task so heavy, and so tedious, as that of exploring the numerous repositories of Indian knowledge, would not deter. And, with respect to the most important of all the sources of information, the parliamentary documents, they were not before the public, and by the very nature of the case within the reach of a number comparatively small.

But though no dispute will arise about the importance of the work, I have no reason to expect the same unanimity about the fitness of the workman.

One objection will doubtless be taken, on which I think it necessary to offer some observations, notwithstanding the unfavourable sentiments which are





# PREFACE.

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 guage. Robertson, for example, never  
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are subservient to the successful exploration of evidence are more likely to be acquired in Europe, than in India.

The man who employs himself in treasuring up, by means of perception and the languages, the greatest portion of knowledge in regard to India, is he who employs the greatest portion of his life, in the business of observing, and in making himself familiar with the languages. But the mental habits which are acquired in mere observing, and in the acquisition of languages, are almost as different as any mental habits can be, from the powers of combination, discrimination, classification, judgment, comparison, weighing, inferring, inducting, philosophizing in short; which are the powers of most importance for extracting the precious ore from a great mine of rude historical materials.

Whatever is worth seeing or hearing in India, can be expressed in writing. As soon as every thing of importance is expressed in writing, a man who is duly qualified may obtain more knowledge of India in one year, in his closet in England, than he could obtain during the course of the longest life, by the use of his eyes and his ears in India.

As soon as the testimony is received of a sufficient number of witnesses, to leave no room for mistake from the partial or the erroneous statements which they may have separately made, it is hardly doubtful, that a man, other circumstances being equal, is really better qualified for forming a correct judgment on the whole, if his information is totally derived

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one, of infidelity in another, of correct conception in one, of incorrect conception in another; comparing the whole collection of statements with the general probabilities of the case, and trying it by the established laws of human nature, endeavours to arrive at a complete and correct conception of the complicated transaction, on which he is called to decide. Is it not understood, that in such a case as this, where the sum of the testimony is abundant, the judge, who has seen no part of the transaction, has yet, by his investigation, obtained a more perfect conception of it, than is almost ever possessed by any of the individuals from whom he has derived his information? <sup>1</sup>

<sup>1</sup> The Indians themselves have a striking apologue to illustrate the superiority of the comprehensive student over the partial observer.

"One day in conversation," says Mr. Ward, "with the Sungskrit head pundit of the College of Fort William, on the subject of God, this man, who is truly learned in his own Shastras, gave the author, from one of their books, the following parable.—In a certain country, there existed a village of blind men, who had heard of an amazing animal called the elephant, of the shape of which, however, they could procure no idea. One day an elephant passed through the place—the villagers crowded to the spot where the animal was standing, and one of them seized his trunk, another his ear, another his tail, another one of his legs. After thus endeavouring to gratify their curiosity, they returned into the village, and sitting down together, began to communicate their ideas on the shape of the elephant, to the villagers—the man who had seized his trunk said, he thought this animal must be like the body of the plantain tree, he who had touched his ear was of opinion, that he was like the winnowing fan, the man who had laid hold of his tail said, he thought he must resemble a snake, and he who had caught his leg declared, he must be like a pillar. An old blind man, of some judgment, was present, who, though greatly perplexed in attempting to reconcile these jarring notions, at length said—You have all been to examine the animal, and what you report, therefore, cannot be false. I suppose,

# PREFACE.

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IN the course of reading and investigation, necessary for acquiring that measure of knowledge which I was anxious to possess, respecting my country, its people, its government, its interests, its policy, and its laws, I was met, and in some degree surprised, by extraordinary difficulties, when I arrived at that part of my inquiries which related to India. On other subjects, of any magnitude and importance, I generally found, that there ~~was some one book, or small number of books, containing the material~~ <sup>the requisite</sup> information; and in which direction was obtained, reference, to other books, if, in any part, the reader found it necessary to extend his researches. In regard to India, the case was exceedingly different. The knowledge requisite for attaining an adequate conception of that great scene of British action, was collected no where. It was scattered in a great variety of repositories, sometimes, in considerable portions, often in very minute ones; sometimes by itself, often mixed up with subjects of a very different nature: and even where information relating to India stood disjoined from other subjects, a small portion of what was useful lay commonly imbedded in a large mass of what was trifling and insignificant; and of a body of statements, given indiscriminately as matters of fact,

bination with these natural tendencies, or in opposition to them. To qualify a man for this great duty, hardly any kind or degree of knowledge is not demanded; hardly any amount of knowledge, which it is within the competence of one man to acquire; will be regarded as enough. It is plain, for example, that he needs the most profound knowledge of the laws of human nature, which is the end, as well as instrument, of every thing. It is plain, that he requires the most perfect comprehension of the principles of human society; or the course, into which the laws of human nature impel the human being, in his gregarious state, or when formed into a complex body along with others of his kind. The historian requires a clear comprehension of the practical play of the machinery of government; for, in like manner as the general laws of motion are counteracted and modified by friction, the power of which may yet be accurately ascertained and provided for, so it is necessary for the historian correctly to appreciate the counteraction which the more general laws of human nature may receive from individual or specific varieties, and that allowance for it with which his anticipations and conclusions ought to be formed. In short, the whole field of human nature, the whole field of legislation, the whole field of judicature, the whole field of administration, down to war, commerce, and diplomacy, ought to be familiar to his mind.<sup>1</sup>

<sup>1</sup> Aux yeux d'un philosophe, les faits composent la partie la moins intéressante de l'histoire. C'est la connoissance de l'homme; la morale, et la politique qu'il y trouve, qui la relevent dans son esprit. Gib-



# PREFACE:

ascertained by the senses, the far greater part was general only matter of opinion, borrowed, in succession, by one set of Indian gentlemen from another.

In bestowing the time, labour, and thought, necessary to explore this assemblage of heterogeneous things, and to separate, for my own use, what was true and what was useful, from what was insignificant and what was false, I was led to grieve, that none of those who had preceded me, in collecting for themselves a knowledge of Indian affairs, had been induced to leave their collection for the benefit of others; and perform the labour of extracting and ordering the dispersed and confused materials of a knowledge of India, once for all. The second reflection was, that if those who preceded me had neglected this important service, and in so doing were not altogether free from condemnation, if I omitted what depended upon me to facilitate and abridge to others the labour of acquiring a knowledge of India; an advantage I should have valued so highly, had it been afforded by a former inquirer.

In this manner, the idea of writing a History of India was first engendered in my mind. I should have shrunk from the task, had I foreseen the labour in which it has involved me.

<sup>1</sup> The difficulty arising from this source of false information was felt by the very first accurate historian.

<sup>2</sup> Οτι γὰρ ἀδύνατον τῆς ἀπορίας τῶν πραγμάτων, καὶ τῆς ἐκλογῆς σφίσι τῆς ἀληθείας, καὶ ἄλλων ἐργασιῶν. Thucyd. lib. i. c. x'. Other excellent observations to the same purpose are found in the two following chapters

One or two things I may venture to affirm that I have done.

I have performed the business of research, with a labour, and patience, which it would not be easy to surpass. And I believe there is no point, of great importance, involved in the History of India, which the evidence I have adduced is not sufficient to determine. I am, at the same time, aware, that in regard to some things there are documents which were not within my reach; and, concerning the latter part of the history, in particular, that there are individuals in England, possessed of information, which, in several places, would have rendered the narrative richer, and perhaps more accurate, in matters of detail. If I shall be found to have performed, with any tolerable success, what I had the means of performing, the liberality which distinguishes the gentlemen of India gives me reason to hope, that many of those who are possessed of useful information, but whom it was impossible for me to find out, will not be unwilling to contribute their aid to the improvement of the History of British India.

Having thus placed before me the materials of

tleman who had been in India," perhaps a voyage or two; but these, however respectable in their profession, are surely not the persons to receive information from, on the subject of the political characters of the East; no more (nor indeed much less) than some gentlemen who may have resided a few years in India, for we can easily admit the possibility of a person spending many years of his life in the cities of Calcutta, Madras, or Bombay, without knowing much more of the politics, prejudices, &c. of interior states or countries, than if he had never stirred out of London, Dublin, or Edinburgh;" p. 196

The books, in which more or less of information respecting India might be expected to be found, were sufficiently numerous to compose a library. Some were books of Travels. Some were books of History. Some contained philological, some antiquarian researches. A considerable number consisted of translations from the writings of the natives in the native tongues; others were books on the religion of the people of India; books on their laws; books on their sciences, manners, and arts.

The transactions in India were not the only transactions of the British nation, to which the affairs of India had given birth. Those affairs had been the subject of much discussion by the press, and of many legislative, executive, and even judicial proceedings, in England. Those discussions and proceedings would form of course an essential part of the History of British India; and the materials of it remained to be extracted, with much labour, from the voluminous records of British literature, and British legislation.

The British legislature had not satisfied itself with deliberating, and deciding; it had also inquired; and inquiring, it had called for evidence. This call, by the fortunate publicity of parliamentary proceedings, brought forth the records of the councils in India, and their correspondence, with one another, with their servants, and with the constituted authorities in England: a portion of materials, inestimable in its value; but so appalling by its magnitude, that many years appeared to be inadequate to render the mind familiar with it.

I could not overlook the probable consequences. "La perfection d'une Historie," says a great judge, "est d'être desagréable à toutes les sectes, et à toutes les nations; car c'est une preuve que l'auteur ne flate ni les uns ni les autres, et qu'il a dit à chacun ses vérités."<sup>1</sup>

He who desires to obtain a considerable portion of immediate applause, has two well-known, and well-trodden paths, before him.

The first is, to be a zealot for some particular and powerful party; to panegyryze its leaders; attack its opponents; place its principles and practices in the fairest possible light; and labour to bring odium upon the principles and practices of its opponents. This secures the loud and vehement applause of those who are gratified; and the vehement applause of a great party carries, by contagion, along with it, all, or the greater part of those, who are not very strongly engaged by their interests or passions on the opposite side.

The next of the easy ways to the acquisition of fame, consists of two principal parts. The first is, "to wander in common topics, where a train of sentiment generally received enables a writer to shine without labour, and to conquer without a contest."<sup>2</sup> The second is, to deal for ever in compromise; to give up the half of every opinion and principle; go no further in favour of any side of any question, than may be reconcilable in some degree with the good opi-

<sup>1</sup> Bayle, *Eclaircissements*, sur le Dictionnaire.

<sup>2</sup> Rambler, No. ii.

sufficient elevation to make a book he received as useful, though it neither exaggerated, nor extenuated the good, or the evil, of any man, or combination of men: to afford a multitude, in every party, far enough removed from the taint of vulgar antipathies, to yield to an author, who spoke with sincerity, and who though he has not spoken with a view to gratify any party, or any individual, most assuredly has never spoken with a view to hurt any, a compensation for the hostilities of the lower and more ungenerous portion of every party.

Though I am aware of many defects in the work which I have ventured to offer to the public; and cannot forget how probable it is, that more impartial and more discerning eyes will discover many which are invisible to mine, I shall yet appeal from the sentence of him, who shall judge of me solely by what I have not done. An equitable and truly useful decision would be grounded upon an accurate estimation of what I have done, and what I have not done, taken together.

It will also deserve to be considered, how much was in the power of any individual to compass. In so vast a subject, it was clearly impossible for one man to accomplish every thing. Some things it was necessary to leave, that others might be taken; some things it was necessary to handle but slightly, that others might be treated with greater attention. The geography, for example, alone, would have occupied a life-time. To nicety in the details of geography, I was, therefore, unable to aspire. I followed, without much criticism, the authors whom I was consulting.

A history of India, therefore, to be good for any thing, must, it was evident, be, what, for want of a better appellation, has been called, "A Critical History."<sup>1</sup> To criticise means, to judge. A critical history is, then, a *judging* history. But, if a judging history, what does it judge?

<sup>1</sup> It is evident that there are two, and only two, classes of objects, which constitute the subject of

of the work of Mr. Dugald Stewart, on the Philosophy of the Human Mind. See p. 72, vol. ii. of the present work. Many examples of it will present themselves in the course of this history; for as it is a habit peculiarly congenial to the mental state of the natives, so a combination of circumstances has given it unusual efficacy in the minds of those of our countrymen by whom India has been surveyed.

<sup>1</sup> The idea of a critical history is not very old. The first man who seems to have had a distinct conception of it, says, "*Je traiterai mon sujet en critique, suivant la règle de St. Paul, Examinez toutes choses, et ne retenez que ce qui est bon. L'histoire n'est bien souvent qu'un mélange confus de faux et de vrai, entassé par des écrivains mal instruits, credules, ou passionnés. C'est au lecteur attentif et judicieux d'en faire le discernement, à l'aide d'une critique, qui ne soit ni trop timide, ni téméraire. Sans le secours de cet art, on erre dans l'histoire, comme un pilote sur le mer, lorsqu'il n'a ni boussole, ni carte marine.*" Beau-sobre, Hist. de Manichee, Disc. Prelim. p. 7.

The same writer has, also, said, what is not foreign to the present purpose; "*Une histoire critique ne pouvant être trop bien justifiée, j'ai eu soin de mettre en original, au bas des pages, les passages qui servent de preuve aux faits que j'avance. C'est un ennuyeux travail, mais je l'ai cru nécessaire. Si l'on trouve les citations trop amples et trop abondantes, c'est un superflu qui n'a coûté qu'à moi, et le lecteur peut bien m'en pardonner la dépense.*" Id. Ibid. Pref. p. 24.

A great historian of our own has said: "It is the right, it is the duty of a critical historian to collect, to weigh, to select the opinions of his predecessors; and the more diligence he has exerted in the search, the more rationally he may hope to add some improvement to the stock of knowledge, the use of which has been common to all," Gibbon's Miscel. Works, iv. 589.

historical judgments. The first is, the matter of statement, the things given by the historian, as things really done, really said, or really thought. The second is, the matter of evidence, the matter by which the reality of the saying, the doing, or thinking, is, ascertained.

In regard to evidence, the business of criticism visibly is, to bring to light the value of each article, to discriminate what is true from what is false, to combine partial statements, in order to form a complete account, to compare varying, and balance contradictory statements, in order to form a correct one,

In regard to the matter of statement, the business of criticism is, to discriminate between real causes and false causes; real effects and false effects; real tendencies and falsely supposed ones; between good ends and evil ends; means that are conducive, and means not conducive to the ends to which they are applied.

In exhibiting the result of these several judgments, the satisfaction, or the instruction of the reader, is very imperfectly provided for, if the reasons are not adduced. I have no apology, therefore, to make, for those inductions, or those ratiocinations, sometimes of considerable length, which were necessary to exhibit the grounds upon which my decisions were founded. Those critical disquisitions may be well, or they may be ill performed; they may lead to correct, or they may lead to erroneous conclusions; but they are, indisputably, in place; and my work,

whatever had been its virtues in other respects, would have remained most imperfect without them.<sup>1</sup>

There will be but one opinion, I suppose, with regard to the importance of the service, which I have aspired to the honour of rendering to my country; for the public are inclined to exaggerate, rather than extenuate, the magnitude of the interests which are involved in the management of their Indian affairs. And it may be affirmed, as a principle, not susceptible of dispute, that good management of any portion of the affairs of any community is almost always proportional to the degree of knowledge respecting it diffused in that community. Hitherto the knowledge of India, enjoyed by the British community, has been singularly defective. Not only among the uneducated, and those who are regardless of knowledge, but among those who are solicitous to obtain

<sup>1</sup> Even those strictures, which sometimes occur, on institutions purely British, will be all found, I am persuaded, to be not only strictly connected with measures which relate to India, and which have actually grown out of those institutions; but indispensably necessary to convey complete and correct ideas of the Indian policy which the institutions in question contributed mainly to shape. The whole course of our Indian policy having, for example, been directed by the laws of parliamentary influence, how could the one be explained without adducing, as in the last chapter of the fourth volume, and in some other places, the leading principles of the other? The result of all the judicial inquiries, which have been attempted in England, on Indian affairs, depending in a great degree on the state of the law in England, how could those events be sufficiently explained, without adducing, as in the chapter on the trial of Mr. Hastings, those particulars in the state of the law of England, on which the results in question appeared more remarkably to depend? The importance of this remark will be felt, and, I hope, remembered when the time for judging of the use and pertinence of those elucidations, arrives.



commonly excited by almost any language in which a man can urge pretensions which he may be suspected of urging as his own; pretensions which, though they must exist, in some degree, in the case of every man who writes a book, and ought to be encouraged, therefore, rather than extinguished, had better, in general, be understood, than expressed.

This writer, it will be said, has never been in India; and, if he has any, has a very slight, and elementary acquaintance, with any of the languages of the East.

I confess the facts; and will now proceed to mention the considerations, which led me, notwithstanding, to conclude, that I might still produce a work, of considerable utility, on the subject of India.

In the first place, it appeared to me, that a sufficient stock of information was now collected in the languages of Europe, to enable the inquirer to ascertain every important point, in the history of India. If I was right in that opinion, it is evident, that a residence in India, or a knowledge of the languages of India, was, to express myself moderately, not indispensable.

In the next place, I observed, that no exceptions were taken to a President of the Board of Control, or to a Governor-General, the men entrusted with all the powers of government, because they had never been in India, and knew none of its languages.

Again, I certainly knew, that some of the most successful attempts in history had been made, without ocular knowledge of the country, or acquaintance

For, let us inquire what it is that a man can learn, by going to India, and understanding its languages. He can treasure up the facts, which are presented to his senses; he can learn the facts which are recorded in such native books, as have not been translated; and he can ascertain facts by conversation with the natives, which have never yet been committed to writing. This he can do; and I am not aware that he can do any thing further.

But, as no fact is more certain, so none is of more importance, in the science of human nature, than this; that the powers of observation, in every individual, are exceedingly limited; and that it is only by combining the observations of a number of individuals, that a competent knowledge of any extensive subject can ever be acquired. Of so extensive and complicated a scene as India, how small a portion would the whole period of his life enable any man to observe!

If, then, we may assume it as an acknowledged fact, that an account of India, complete in all its parts; at any one moment, still more through a series of ages, could never be derived from the personal observation of any one individual, but must be collected from the testimony of a great number of individuals, of any one of whom the powers of perception could extend but a little way, it follows, as a necessary consequence, that the man best qualified for dealing with evidence, is the man best qualified for writing the history of India. It will not, I presume, admit of much dispute, that the habits which

from testimony, than if some little portion of it is derived from the senses. It is well known, how fatal an effect on our judgments is exerted by those impulses, called partial impressions; in other words, how much our conceptions of a great whole are apt to be distorted, and made to disagree with their object, by an undue impression, received from some particular part. Nobody needs to be informed, how much more vivid, in general, is the conception of an object which has been presented to our senses, than that of an object which we have only heard another man describe. Nobody, therefore, will deny, that, of a great scene, or combination of scenes, when some small part has been seen, and the knowledge of the rest has been derived from testimony, there is great danger, lest the impression received from the senses should exert an immoderate influence, hang a bias on the mind, and render the conception of the whole erroneous.

If a man were to lay down the plan of preparing himself for writing the history of India, by a course of observation in the country, he must do one of two things. Either he must resolve to observe minutely a part; or he must resolve to take a cursory view of the whole. Life is insufficient for more. If his decision is to observe minutely; a very small portion comparatively is all that he will be able to observe. What aid he can derive from this, in writing a history, has partly been already unfolded, and may for the rest be confided to the reflections of the intelligent reader.

What I expect to be insisted upon with greatest emphasis is, that, if an observer were to take an expansive view of India, noting, in his progress, those circumstances alone which are of greatest importance, he would come with peculiar advantage to the composition of a history; with lights capable of yielding the greatest assistance in judging even of the evidence of others. To estimate this pretension correctly, we must not forget a well-known and important law of human nature. From this we shall see, that a cursory view, of the nature of that which is here described, is a process, in the highest degree effectual, not for removing error, and perfecting knowledge, but for strengtbening all the prejudices, and confirming all the prepossessions or false notions, with which the observer sets out. This result is proved by a very constant experience; and may further be seen to spring, with an almost irresistible necessity, from the constitution of the human mind. In a cursory survey, it is understood, that the mind, unable to attend to the whole of an infinite number of objects, attaches itself to a few; and overlooks the multitude that remain. But what, then, are the objects to which the mind, in such a situation, is in preference attracted? Those which fall in with the current of its own thoughts; those which accord with its former impressions; those which confirm its previous ideas. These are the objects to which, in a hasty selection, all ordinary minds are directed, overlooking the rest. For what is the principle in the mind by which the choice is decided? Doubtless

that of association. And is not association governed by the predominant ideas? To this remains to be added, the powerful influence of the affections; first, the well-known pleasure, which a man finds, in meeting, at every step, with proofs that he is in the right, inspiring an eagerness to look out for that source of satisfaction; and, secondly, the well-known aversion, which a man usually has, to meet with proofs that he is in the wrong, yielding a temptation, commonly obeyed, to overlook such disagreeable objects.

He who, without having been a percipient witness in India, undertakes, in Europe, to digest the materials of Indian history, is placed, with regard to the numerous individuals who have been in India, and of whom one has seen and reported one thing, another has seen and reported another thing; in a situation very analogous to that of the Judge, in regard to the witnesses who give their evidence before him. In the investigation of any of those complicated scenes of action, on which a judicial decision is sometimes required, one thing has commonly been observed by one witness, another thing has been observed by another witness; the same thing has been observed in one point of view by one, in another point of view, by another witness; some things are affirmed by one, and denied by another. In this scene, the judge, putting together the fragments of information which he has severally received from the several witnesses, marking where they agree and where they differ, exploring the tokens of fidelity in

But, if a life, in any great degree devoted to the collecting of facts by the senses and to the acquiring of tongues, is thus incompatible with the acquisition of that knowledge, and those powers of mind, which are most conducive to a masterly treatment of evidence; it is still less compatible with certain other endowments, which the discharge of the highest duties of the historian imperiously demands. Great and difficult as is the task of extracting perfectly the light of evidence from a chaos of rude materials, it is yet not the most difficult of his operations, nor that which requires the highest and rarest qualifications of the mind. It is the business of the historian not merely to display the obvious outside of things; the qualities which strike the most ignorant observer, in the acts, the institutions, and ordinances, which form the subject of his statements. His duty is, to convey just ideas of all those objects; of all the transactions, legislative, administrative, judicial, mercantile, military, which he is called upon to describe. But in just ideas of great measures what is implied? A clear discernment, undoubtedly, of their causes; a clear discernment of their consequences; a clear discernment of their natural tendencies; and of the circumstances likely to operate either in com-

then, that the part resembling the plantain tree must be his trunk; what you thought similar to a fan must be his ear; the part like a snake must be the tail; and that like a pillar must be his leg. In this way, the old man, uniting all their conjectures, made out something of the form of the elephant." A View of the History, Literature, and Religion of the Hindoos. By the Rev. W. Ward. Intrôd. p. lxxxvii. London Ed. 1817.

What then? it will be said, and most reasonably said; do you hold yourself up, as the person in whom all these high qualifications are adequately combined? No. And I am well assured, that by not one of those by whom I shall be criticised, not even by those by whom I shall be treated with the greatest severity, will the distance between the qualifications which I possess, and the qualifications which are desirable in the writer of a history, be estimated at more than it is estimated by myself. But the whole of my life, which I may, without scruple, pronounce to have been a laborious one, has been devoted to the acquisition of those qualifications; and I am not unwilling to confess, that I deemed it probable I should be found to possess them in a greater degree, than those, no part of whose life, or a very small part, had been applied to the acquisition of them. I was also of opinion, that if nobody appeared, with higher qualifications, to undertake the work, it was better it should be done imperfectly, better it should be done even as I might be capable of doing it, than not done at all.

Among the many virtues which have been displayed by the Company's servants, may justly be enumerated the candour with which they themselves confess the necessity under which they are laid, of remaining to a great degree ignorant of India. That they go out to their appointments, at a time of life when a considerable stock of general knowledge cannot possibly have been acquired, is a fact which

nobody will dispute. And they are the foremost to declare, that their situation in India is such, as to preclude them from the acquisition of local knowledge. Notwithstanding the high degree of talent, therefore, and even of literary talent, which many of them have displayed, more than some very limited portion of the history of India none of them has ventured to undertake.

"When we consider," said Lord Teignmonth, in his celebrated Minute on the Revenues of Bengal, "the nature and magnitude of our acquisitions, the characters of the people placed under our dominion, their difference of language, and dissimilarity of manners; that we entered upon the administration of the government ignorant of its former constitution, and with little practical experience in Asiatic finance, it will not be deemed surprising that we should have fallen into errors; or if any should at this time require correction.—If we further consider the form of the British government in India, we shall find it ill calculated for the speedy introduction of improvement. The members composing it are in a state of constant fluctuation, and the period of their residence often expires, before experience can be acquired, or reduced

<sup>1</sup> The following words are not inapplicable, originally applied to a much more limited subject. De quibus partibus singulis, quidam separatim scribere maluerunt, velut onus totius corporis vixit, et sic quoque complures de unaquaque earum libros ediderunt. quas ego omnes ausus contexere, prope infinitum mihi laborem prospicio, et ipsa cogitatione suscepti muneris fatigor. Sed durandum est quia cœpimus. et si verbis deficiemus, animo tamen perseverandum. Quinct Inst. Or. lib 4 Proœm



to practice. Official forms necessarily occupy a large portion of time; and the constant pressure of business leaves little leisure for study and reflection, without which, no knowledge of the principles and detail of the revenues of this country can be attained. True information is also procured with difficulty, because it is too often derived from mere practice, instead of being deduced from fixed principles.”<sup>1</sup>

Lord William Bentinck, after being Governor of Fort St. George, and President of the Council at Madras, expresses himself in very pointed terms. “The result of my own observation, during my residence in India, is, that the Europeans generally know little or nothing of the customs and manners of the Hindoos. We are all acquainted with some prominent marks and facts, which all who run may read: but their manner of thinking; their domestic habits and ceremonies, in which circumstances a knowledge of the people consists, is I fear in great part wanting to us. We understand very imperfectly their language. They, perhaps, know more of ours; but their knowledge is by no means sufficiently extensive to give a description of subjects not easily represented by the insulated words in daily use. We do not, we cannot, associate with the natives. We cannot see them in their houses, and with their families. We are necessarily very much confined to our houses by

<sup>1</sup> No. 1, Appendix to the Fifth Report of the Select Committee of the House of Commons, on the Affairs of the East India Company, in 1810. This passage, the Committee have thought of sufficient importance to be incorporated in their Report.

the heat. All our wants and business, which would create a greater intercourse with the natives, is done for us; and we are in fact strangers in the land."<sup>1</sup>

Another servant of the Company, Sir Henry Strachey, distinguished both by his local experience, and by general knowledge, remarking upon the state of judicature, under the English government in India, says, "Another impediment, though of a very different nature from those I have mentioned, and much more difficult to remove, is to me too palpable to be overlooked,—I mean, that arising from Europeans in our situation being necessarily ill qualified, in many points, to perform the duties required of us, as judges and magistrates. This proceeds chiefly from our very imperfect connexion with the natives; and our scanty knowledge, after all our study, of their manners, customs, and languages." "We cannot study the genius of the people in its own sphere of action. We know little of their domestic life, their knowledge, conversation, amusements, their trades, and casts, or any of those national and individual characteristics, which are essential to a complete knowledge of them." "The difficulty we experience in discerning truth

<sup>1</sup> Observations of Lord William Bentinck, printed in the Advertisement, prefixed to the "Description of the Character, &c. of the People of India," by the Abbé J. A. Dubois, Missionary in the Mysore. If any one should object to the testimony of this Ruler, as that of a man who had not been bred in India, it is to be remembered that the testimony is adduced, as expressing his own opinion, by the translator of that work, whose knowledge of India is not liable to dispute; and given to the world as the opinion of the Court of Directors, to whom the manuscript belonged, and under whose authority and direction, it was both translated and published.

and falsehood among the natives, may be ascribed, I think, chiefly, to our want of connexion and intercourse with them; to the peculiarity of their manners and habits; their excessive ignorance of our characters; and our almost equal ignorance of theirs.”<sup>1</sup>

<sup>1</sup> Fifth Report, *ut supra*, p. 534, 562. “It is a fact,” says another enlightened observer, “which, however singular and unfortunate, is yet founded in truth, that those persons from whom correct information on these subjects might justly be expected, are generally the least able, from the peculiar circumstances of their situation, to supply it: I mean, the Company’s servants.—During the early period of their residence in the East, every hour must be employed, in the acquisition of the languages, in the study of the laws of the country, and the manners of the natives; whilst the latter years of their service are still more unremittingly engrossed, in the discharge of the irksome and arduous duties of their profession.” *Considerations on the Present Political State of India*. By Alexander Fraser Tytler, late assistant Judge in the Twenty-four Pergunnahs, Bengal Establishment, Preface, p. xii. See other passages to the same purpose, Introduction, p. iv, v, xi; also i. 77, 357, 415. And Mr. Tytler quotes with peculiar approbation the passages already given from the Minute of Lord Teignmouth.

“I must beg you always to bear in mind, that when an English gentleman undertakes to give an account of Indian manners and habits of private life, he labours under many disadvantages. The obstacles which prevent our ever viewing the natives of India in their domestic circles are great and insuperable; such as, the restrictions of caste on their side, rank and situation on ours, &c. We do not intermarry with them, as the Portuguese did: nor do we ever mix with them, in the common duties of social life, on terms of equality. What knowledge we have of their domestic arrangements has been gained chiefly by inquiry, &c.” Letters written in a Mahratta Camp, &c. by T. D. Broughton, Esq. p. 3. See to the same purpose, Sir John Malcolm, *Sketch of the Political History of India*, &c. p. 449.

After adverting to certain erroneous notions on Indian subjects, Lieutenant Moor, the well-informed author of the “Narrative of the Operations of Captain Little’s Detachment,” observes, “Other opinions equally correct and entertaining, are indulged by the good people of England; which it is vain to oppose, for the party was told so by a gen-

Indian history in a state, I believed, of greater fulness and completeness, than any preceding inquirer, I followed the course of my own thoughts, in the judgments which I formed; not because I vainly imagined my thoughts more valuable than those of all other men, but because the sincere and determined pursuit of truth imposes this rigid law. It would not allow me to give for true the opinion of any man, till I had satisfied myself that it was true; still less to give the opinion of any man for true, when I had satisfied myself that it was not true.

Mr. Locke has declared; that he who follows his own thoughts in writing, can hope for approvers in the small number alone of those who make use of their own thoughts in reading; that, by the rest, “a man is not permitted, without censure, to follow his own thoughts in the search of truth, when they lead him ever so little out of the common road.”

If this is the severe condition, under which a man follows his own thoughts, in writing even on abstract and general truths, how much harder must be the lot of him who follows them, in writing of the actions and characters of powerful men, and bodies of men? Conscious, however, that I had been faithful in forming my opinions, I believed that I lay under an indispensable obligation to be faithful in expressing them: “to give them without violation of modesty, but yet with the courage of a man unwilling to betray the rights of reason;” and with that manly plainness, which the sincerity of the historical character appeared to require.

nion of those 'who oppose it ; and having written as much on one side, as to extract applause from one set of persons, to turn immediately and write as much on the other, as will extract applause from the opposite sort. This is done, without glaring marks of inconsistency, by avoiding all close encounter with the subject, and keeping to vague and general phrases. And in this manner, by a proper command of plausible language, it is easy to obtain reputation with all parties ; reputation, not only of great talents, but of great moderation, great wisdom, and great virtue. <sup>1</sup>

If my book were possessed of a much greater share of the titles to applause, than even the partialities of the writer allow him to ascribe to it ; I have travelled so very wide of those beaten paths to success, that my only chance for it depends, I cannot fail to perceive, upon the degree in which real liberality, that is, strength of mind, is diffused in the community. I have done enough, doubtless, to secure to myself the malignity of the intemperate, and the narrow-minded, of all parties. I have encouraged myself, however, with the belief, that civilization, and the improvement of the human mind, had, in this country, attained a

<sup>1</sup> Some considerable reputations have been acquired, by praising every thing in one's own country. And there are many persons who sincerely insist upon it, that a writer ought always to contrive to put his country in the right ; and that it is a proof of his not been a friend to it, if he ever puts it in the wrong. This is a motive which I utterly disclaim. This is the way, not to be a friend to one's country, but an enemy. It is to bring upon it the disgrace of falsehood and misrepresentation, in the first instance ; and, next, to afford it all the inducement, in the writer's power, to persevere in mischievous, or in disgraceful courses.

was only careful to give, with correctness, that outline and those particulars, which were necessary for understanding completely the transactions recorded in my work. To compensate as far as possible, for that which, in this department, I myself was unable to perform, I was anxious to afford the reader the advantage of Mr. Arrowsmith's map, by far the finest display which has yet been made of the geography of India; and in any discrepancy, if any should appear, between the text and that reduction of his noble map, which is prefixed to the second volume, I desire the reader to be guided rather by the geographer than by the historian.

In the orthography of Indian names, I should not have aimed at a learned accuracy, even if my knowledge of the languages had qualified me for the task. I have not been very solicitous even about uniformity in the same name; for as almost every author differs from another in the spelling of Eastern names, it appeared to me to be not altogether useless, that, in a book intended to serve as an introduction to the knowledge of India, a specimen of this irregularity should appear.

There is another apparent imperfection, which I should have more gladly removed. In revising my work for the press, some few instances have occurred, in which I have not been able to verify the references to my authorities. This arose from one of the difficulties of my situation. Unable to command at once the large and expensive number of books, which it was necessary for me to consult, I was often dependent upon

accident for the period of my supply; and, if not provided with the best channels of information, obliged to pursue my inquiries, at the moment, in such as I possessed. It was often, in these cases, useful, for the sake of memory, and of following out the thread of research, to quote, in the first instance, at second hand. When I afterwards obtained the better authority, it was a matter of anxious care to adjust the reference; but I have met with some instances in which I am afraid the adjustment has not been performed. I mention this, to obviate cavils at the appearance of inaccuracy, where the reality does not exist; inaccuracy in form, rather than in substance: for I have no apprehension that those who shall trace me with the requisite perseverance will accuse me of wanting either the diligence, or the fidelity of an historian; and I ought not to have undertaken the task, if I had not possessed the prospect of obtaining, sooner or later, the means of carrying it to completion.

# GLOSSARY.

- ADAWLUT.** Justice, equity; a court of justice. The terms Dewanny Adawlut, and Foudarry Adawlut, denote the civil and criminal courts of justice. See Dewanuy and Foudarry.
- AMEER, MEER, EMIR.** A nobleman.
- AMEER UL OMRAH.** Noble of nobles, lords of lords.
- ANNA.** A piece of money, the sixteenth part of a rupee.
- AUMEEN.** Trustee, commissioner. A temporary collector or supervisor, appointed to the charge of a country, on the removal of a Zemindar, or for any other particular purpose of local investigation or arrangement.
- AUMIL.** Agent, officer, native collector of revenue. Superintendant of a district or division of a country, either on the part of the government, Zemindar, or renter.
- AUMILDAR.** Agent, the holder of an office. An intendant and collector of the revenue, uniting civil, military, and financial powers, under the Mahomedan government.
- AURUNG.** The place where goods are manufactured.
- BALA-GHAUT.** Above the Ghauts, in contradistinction to Payeen Ghaut, below the Ghauts. The terms are generally applied to the high table-land in the centre of India, towards its southern extremity.
- BANYAN.** A Hindû merchant, or shop-keeper. The term Banyan is used in Bengal to denote the native who manages the money concerns of the European, and sometimes serves him as an interpreter. At Madras, the same description of persons is called Dubash, which signifies one who can speak two languages.
- BATTA.** Deficiency, discount, allowance. Allowance to troops in the field.
- BAZAR.** Daily market, or market place.
- BEGA.** A land measure equal, in Bengal, to about the third part of an acre.
- BEGUM.** A lady, princess, woman of high rank.
- BICE, VAISYA.** A man of the third Hindu cast, who by birth is a trader, or husbandman.
- BRAHMEN, BRAHMIN, BRAHMAN, BRAHMIN.** A divine, a priest; the first Hindu cast.
- BRINJARRIE, BINJARY, BENJARY, BANJARY.** A grain merchant.
- BUNGALOW.** The name used in Bengal, for a species of country-house, erected by Europeans.
- CALY YUG, CALYOOGUM.** The present, or fourth age of the world, according to the chronology of the Hindus.
- CASTE, CAST.** A tribe, or class of people.
- CARAVAN-SERAI.** The serai of the caravan. See Serai and Choultry.
- CAWZI, CAZI, KAZY.** A Mahomedan judge, or justice, who also officiates as a public notary, in attesting deeds, by affixing his seal. The same as the officer we name Cadi, in Turkey.
- CAUZY-UL-CAZAUT.** Judge of judges; the chief judge, or justice.
- CHANDALA.** One of the names for the most degraded of the Hindu casts.
- CHOKY, CHOKEE.** A chair, seat; guard, watch. The station of a guard, or watchman. A place where an officer is stationed to receive tolls and customs.
- CHOULTRY.** A covered public building, for the accommodation of passengers.
- CHOUT.** A fourth: a fourth part of sums litigated. Mahratta chout; a fourth



of the revenues, exacted as tribute by the Malirattas

**CHUDDAR** Staff bearer An attendant on a man of rank He waits with a long staff, plumed with silver, announces the approach of visitors, and runs before his master, proclaiming aloud his titles

**CHUNAM** Lime

**CIRCAR** Head of affairs, the state or government, a grand division of a province, a herd man, a name used by Europeans in Bengal, to denote the Hindu writer and accountant, employed by themselves, or in the public offices

**COLLURIES, COLERFEES** Salt-works, the places where salt is made

**COOLIES, COOLY** Porter, labourer

**Coss.** A term used by Europeans, to denote a road measure of about two miles, but differing in different parts of India

**CRORE** Ten millions

**CSHATRIYA, ASHATPIYA, CHETTERIE, KHETERY** A man of the second, or military caste

**CUTCHERRY** Court of justice, also the public office where the rents are paid, and other business respecting the revenue transacted

**CUTWAL, KATWAL** The chief officer of police in a large town or city, and superintendant of the markets

**DAR** Keeper, holder This word is often joined with another, to denote the holder of a particular office or employment, as Chob-dar, staff holder, Zemin dar, land holder This compound word, with *t, ee, y*, added to it, denotes the office, as Zemindar-ee

**DAROGAN** A superintendant, or overseer, as of the police, the mint, &c

**DAUM, DAM** A copper coin, the fourth part of a rupee

**DECCAN** Literally, the south A term employed by Mahomedan writers, to denote the country between the rivers Nerbuddah and Crishna

**DECOITS** Gang robbers *Decoity*, gang-robbery

**DEVAN, DUAN** Place of assembly Native minister of the revenue department, and chief justice, in civil causes, within his jurisdiction, receiver general of a province The

term is also used, to designate the principal revenue servant under an European collector, and even of a Zemindar By this title, the East India Company are receivers-general of the revenues of Bengal, under a grant from the Great Mogul

**DEWANNY, DUANNEE** The office, or jurisdiction of a Dewan

**DEWANNY COURT OF ADAWLUT** A court for trying revenue, and other civil causes

**DOAB, DOORAB** Any tract of country included between two rivers

**DROOG** A fortified hill or rock

**DUBASH** See Buryan

**DURBAR** The court, the hall of audience, a levee

**FAQLEET, FAKIR** A poor man, mendicant, a religious beggar

**FIRMAN, PHIRMAN** Order, mandate An imperial decree, a royal grant, or charter

**FOLJEAR, FOJEDAR, PUOLSNDAR, FOEDAR** Under the Mogul government, a magistrate of the police over a large district, who took cognizance of all criminal matters within his jurisdiction, and sometimes was employed as receiver general of the revenues

**FOUDAPPI, FOWEDAREE** Office of a Foudar

**FOUDAREY COURT** A court for administering the criminal law

**GHAUT** A pass through a mountain applied also to a range of hills, and the ford of a river

**GHEE** Clarified butter, in which state they preserve that article for culinary purposes

**GHIWDAR, GIEDWAR** An overseer of police, under whom the *goyendas*, or informers, act

**GOMASTAR** A commissioner, factor, agent

**GOOROO, GURU** Spiritual guide

**GORENDA** An inferior officer of police, a spy, informer

**GRANGE** A granary, a depot, chiefly of grain for sale Wholesale markets, held on particular days Commercial depots

**GURRY** A name given to a wall flanked with towers

**HARAM.** Seraglio, the place where the ladies reside.

**HIRCARRA, HARCARRAH.** A guide, a spy, a messenger.

**HOWDA.** The seat of great men fixed on an elephant, not much unlike the body of a sedan in shape.

**JAGHIRE, JAGHEER.** Literally, the place of taking. An assignment to an individual of the government share of the produce of a portion of land. There were two species of jaghires; one, personal, for the use of the grantee; another, in trust, for some public service, most commonly, the maintenance of troops.

**JAMMA, JUNMA.** Total, amount, collection, assembly. The total of a territorial assignment.

**JAMMABUNDY, JUMMABUNDY.** A written schedule, of the whole of an assessment.

**JEEL, KEEL.** A shallow lake, or morass.

**JINJAL.** A large musket, fixed on a swivel, used in Indian forts, and fired with great precision.

**JUG.** See Yug.

**JUNGLE, JANGLE.** A wood, or thicket; a country overrun with shrubs, or long grass.

**KHALSA.** Pure, unmixed. An office of government, in which the business of the revenue department is transacted: the exchequer. Khalsa lands, are lands, the revenue of which is paid into the exchequer.

**KHAN, CAWN.** A title, similar to that of Lord.

**KHILAUT, KELAUT.** A robe of honour, with which princes confer dignity.

**KILLADAR, KELLADAR.** Warder of a castle; commander of a fort.

**KIST.** Stated payment, instalment of rent.

**KUSHOON, CUSHOON.** A body of military, corresponding nearest to our term brigade; varying from one to six or eight thousand.

**LAC.** One hundred thousand.

**LASCAR.** Properly a camp-follower, but applied to native sailors and artillerymen.

**LIMBER.** A low two-wheeled carriage,

on which the trial of a gun is fixed when travelling: it is released in a moment if wanted to fire, which is called unlimbering: the cattle being yoked to the limber, guns are of course always dragged breech first.

**MAAL, MAHL, MEHAL, MHAL.** Places, districts, departments. Places, or sources of revenue, particularly of a territorial nature; lands.

**MAHA.** Great.

**MOCURRERY.** As applied to lands, it means lands let on a fixed lease.

**MORUSSIL.** Separated, particularized; the subordinate divisions of a district, in contradistinction to Saddur, or Sudder, which implies the chief seat of government.

**MORUSSIL DEWANNY ADAWLUT.** Provincial court of civil justice.

**MOLUNGEE.** Manufacturer of salt.

**MOOTRY, MUFTEE.** The Mahomedan law-officer who declares the sentence.

**MONSOON.** The rainy season. The periodical winds and rains.

**MOOLAVY, MOHLAVEE.** A learned and religious man, an interpreter of the Mahomedan law.

**MOONSHEE.** Letter-writer, secretary. Europeans give this title to the native who instructs them in the Persian language.

**Mosque.** A Mahomedan temple.

**MUSNUD.** The place of sitting; a seat; a throne, or chair of state.

**MUTSEDDY, MUTASEDDEE.** Intent upon. Writer, accountant, secretary.

**NABOB, NAWAB.** Very great deputy vicegerent. The governor of a province under the Mogul government.

**NAIB.** A deputy.

**NAIB NAZIM.** Deputy of the Nazim, or Governor.

**NAIG, NAIK.** A petty military-officer.

**NAIR.** Chief. The Nairs are a peculiar description of Hindus, on the Malabar coast.

**NAZIM.** Composer, arranger, adjuster. The first officer of a province, and minister of the department of criminal justice.

**NIZAM.** Order, arrangement; an arranger.

**NIZAM UL MULK.** The administrator of the empire.

**NIZAMUT.** Arrangement, government; the office of the Nazim, or Nizam.

**NIZAMUT ADAWLUT.** The court of criminal justice.

**NULLA.** Streamlet, water course.

**NUZZER.** A vow, an offering; a present made to a superior.

**OMRAH.** A lord, a grandee, under the Mogul government.

**PAGODA.** A temple; also the name of a gold coin, in the south of India, valued at eight shillings.

**PALANKEEN.** A litter in which gentlemen in India recline, and are carried on the shoulders of four men.

**PARIAR.** A term used by Europeans in India to denote the outcasts of the Hindu tribes.

**PATAN.** A name applied to the Afghaan tribes.

**PESHA, PEISHWA.** Guide, leader. The prime minister of the Mahratta government.

**PEON.** A footman, a foot soldier; an inferior officer or servant employed in the business of the revenue, police, or judicature.

**PERGUNNAH.** A small district, consisting of several villages.

**PESHUSH.** A present, particularly to government, in consideration of an appointment, or as an acknowledgment for any tenure. Tribute, fine, quit-rent, advance on the stipulated revenues.

**PETTAH.** The suburbs of a fortified town.

**POLLIGAR, POLIGAR.** Head of a village district. Military chieftain in the Peninsula, similar to hill Zemindar in the northern circars.

**POLLAM.** A district held by a Polligar.

**POTAIL.** The head man of a village. The term corresponds with that of Mocuddim and Mundul in Bengal.

**POTTAH.** A lease granted to the cultivators, on the part of government, either written on paper, or engraved with a style on the leaf of the fan palmira tree.

**PUNDIT.** A learned Brahmen.

**PURANA, POORAN.** Literally ancient. the name given to such Hindu books as treat of creation in general, with

the history of their gods, and ancient heroes.

**PIKE.** A foot messenger. A person employed as a night-watch in a village, and as a runner or messenger on the business of the revenue.

**RAJAH.** King, prince, chieftain, nobleman; a title in ancient times given to chiefs of the second or military Hindu tribe only.

**RAJEFoot.** Literally, son of a king. The name of a warlike race of Hindus.

**RANA.** A species of rajah.

**RANNY, RANEE.** Queen, princess, wife of a rajah.

**ROY ROIAN.** A Hindu title given to the principal officer of the Khalsa, or chief treasurer of the exchequer.

**RUPEE.** The name of a silver coin; rated in the Company's accounts, the current rupee at 2s.; the Bombay rupee at 2s. 3d.

**RYOT.** Peasant, subject; tenant of house or land.

**SAYER.** What moves; variable imposts, distinct from land rent or revenue; consisting of customs, tolls, licenses, duties on goods, also taxes on houses, shops, bazars, &c.

**SEROI.** A native soldier.

**SERAI.** The same as Choultry.

**SHASTER.** The instrument of government or instruction; any book of instruction, particularly containing divine ordinances.

**SHROFF, SHROF.** A banker, or money-changer.

**SIRDAR.** Chief, captain, head man.

**SOUKAR.** A merchant, or banker; a money lender.

**SUBAH.** A province, such as Bengal. A grand division of a country, which is again divided into circars, chucklas, pergunnahs, and villages.

**SUBADOAR.** The holder of the subah, the governor, or viceroy.

**SUBAHGARRY.** The office and jurisdiction of a subahdar.

**SUOGER.** The breast; the fore-court of a house; the chief seat of government, contradistinguished from Mofussil, or interior of the country; the presidency.

**SUPOER DEWWANNY ADAWLUT.** The chief civil court of justice under the

- Company's government, held at the presidency.
- SUDDER NIZAMUT ADAWLUT. The chief criminal court of justice, under the Company's government.
- SUDRA, SHUDRA, SOODER. A Hindu of the fourth, or lowest tribe.
- SUNNOD. A prop, or support; a patent, charter, or written authority for holding either land or office.
- TALOOKDAR. A holder of a talook, which is a small portion of land; a petty land-agent.
- TANK. Pond, reservoir.
- TANNARDAR. A petty police officer.
- TEEP. A note of hand; a promissory note given by a native banker, or money-lender, to Zemindars and others, to enable them to furnish government with security for the payment of their rents.
- TEHSILDAR. Who has charge of the collections. A native collector of a district acting under a European or Zemindar.
- TOPASSES. Native black Christians, the remains of the ancient Portuguese.
- TOPE. A grove of trees.
- TUNCAW, TUNKHA. An assignment on the revenue for personal support, or other purposes.
- TUMBRIL. A carriage for the gun ammunition.
- VACKEEL, VAQUEEL. One endowed with authority to act for another.
- Ambassador, agent sent on a special commission, or residing at a court.
- Native law pleader, under the judicial system of the Company.
- VIZIR, VIZIER. Under the Mogul government, the prime minister of the sovereign.
- VEDAS, VEDS, BEEDS. Science, knowledge. The sacred scriptures of the Hindus.
- YOGIES, JOGIES. Hindu devotees.
- YUG, JUG, YOOG. An age; a great period of the Hindus, also a religious ceremony.
- ZEMINDAR. From two words signifying, earth, land, and holder or keeper. Land-keeper. An officer who, under the Mahomedan government, was charged with the superintendence of the lands of a district, financially considered; the protection of the cultivators, and the realization of the government's share of its produce, either in money or kind.
- ZEMINDARRY. The office or jurisdiction of a Zemindar.
- ZENANA. The place where the ladies reside.
- ZILLAH. Side, part, district, division. A local division of a country, having reference to personal jurisdiction.
- VACKEEL, VAQUEEL. One endowed

N. B. The explanations of the above terms are taken, for the most part, from the Glossary attached to the Fifth Report of the Committee of the House of Commons on Indian affairs, appointed in 1810.

## ERRATUM.

The correction, which the following notice in the first edition required to be made, was forgotten till that part of the text was reprinted. The passage therefore stands as in the first edition.

**VOL. III.—Page 150.** It has been suggested to me, that the allusion to the death of 400 Gentoos, made in the note of the translator of the *Seer Mutakhareen*, may have a stress laid upon it, which I should regret I copied the note, merely as a specimen of the criticisms which were made on the spot, by persons not partial to the English. This, I conceived, was matter of instruction. But I never meant that any fact should stand, as confirmed, upon the authority of the translator of the *Seer Mutakhareen*; nor will it be so understood by any considerate reader. Had the statement appeared to me to rest upon proof, I should have thought it of sufficient importance to give it a place in the text. I have, since the volume was printed, had reasons given to me, by which I am convinced, that the allusion is not well founded, and that no such catastrophe ever occurred.

# HISTORY OF BRITISH INDIA.

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## BOOK I.

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1527—1707.

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*Commencement of the British Intercourse with India; and the Circumstances of its Progress, till the Establishment of the Company on a durable Basis by the Act of the Sixth of Queen Anne.*

**T**WO centuries have elapsed, since a few British merchants humbly solicited permission of the Indian princes to traffic in their dominions.

The British power at present embraces nearly the whole of that vast region, which extends from Cape Comorin to the mountains of Tibet, and from the mouths of the Brahmapootra to the Indus.

In the present undertaking, it is proposed, to collect, from its numerous and scattered sources, the information necessary to convey correct and adequate ideas of this empire, and of the transactions through which it has been acquired; and for that purpose,

I. To describe the circumstances in which the intercourse of the British nation with India commenced, and the particulars of its early progress, till the era when it could first be regarded as placed on a firm and durable basis:

II. To exhibit as accurate a view as possible of the character, the history, the manners, religion, arts, literature, and laws of the extraordinary people with whom this intercourse had begun; as well as of the physical circumstances, the climate, the soil, and productions, of the country in which they were placed:

III. To deduce to the present times a history of that part of the British transactions, which have had an immediate relation to India; recording the train of events; unfolding the constitution of that Body, half political, half commercial, through which the business has been ostensibly performed; describing the nature, the progress, and effects of its commercial operations; exhibiting the legislative proceedings, the discussions and speculations, to which the connection of Great Britain with India has given birth; analysing the schemes of government which she has adopted for her Indian dominions; and attempting to discover the character and tendency of that species of relation to one another in which the mother country and her eastern dependencies are placed.

The subject forms an entire, and highly interesting, portion of the British History; and it is hardly possible that the matter should have been brought together, for the first time, without being instructive, how unskillfully soever the task may have been performed. If the success corresponded with the wishes of the author, he would throw light upon a state of society, curious, and commonly misunderstood; upon the history of society, which in the compass of his work presents itself in almost all its stages and all its

shapes; upon the principles of legislation, in which BOOK I:  
 he has so many important experiments to describe;  
 and upon interests of his country, of which, to a  
 great degree, his countrymen have remained in igno-  
 rance, while prejudice usurped the prerogatives of  
 understanding.

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## CHAP. I.

*From the Commencement of the Efforts to begin a  
 Trade with India, till the Change of the Com-  
 pany from a regulated to a joint-stock Company.*

THE Portuguese had formed important establish-  
 ments in India, before the British offered themselves  
 as competitors for the riches of the East.

From the time when Vasco de Gama distinguished  
 his nation by discovering the passage round the Cape  
 of Good Hope, a whole century had elapsed, during  
 which, without a rival, the Portuguese had enjoyed,  
 and abused, the advantages of superior knowledge  
 and art, amid a feeble and half-civilized people. They  
 had explored the Indian ocean, as far as Japan; had  
 discovered its islands, rich with some of the favourite  
 productions of nature; had achieved the most brilliant  
 conquests; and by their commerce poured into Eu-  
 rope, in unexampled profusion, those commodities of  
 the East, on which the nations at that time set an  
 extraordinary value.

The circumstances of this splendid fortune had vio-  
 lently attracted the attention of Europe. The com-  
 merce of India, even when confined to those narrow  
 limits which a carriage by land had prescribed, was



supposed to have elevated feeble states into great ones; and to have constituted an enviable part in the fortune even of the most opulent and powerful; to have contributed largely to support the Grecian monarchies both in Syria and Egypt; to have retarded the downfall of Constantinople; and to have raised the small and obscure republic of Venice to the rank and influence of the most potent kingdoms. The discovery therefore of a new channel for this opulent traffic, and the happy experience of the Portuguese, inflamed the cupidity of all the maritime nations of Europe, and set before them the most tempting prospects.

An active spirit of commerce had already begun to display itself in England. The nation had happily obtained its full share of the improvement which had dawned in Europe; and the tranquil and economical reign of Elizabeth had been favourable both to the accumulation of capital, and to those projects of private emolument on which the spirit of commerce depends. A brisk trade, and of considerable extent, had been carried on during the greater part of the sixteenth century with the Netherlands, at that time the most improved and commercial part of Europe. The merchants of Bristol had opened a traffic with the Canary Islands; those of Plymouth with the coasts of Guinea and Brazil: the English now fished on the banks of Newfoundland; and explored the sea of Spitzbergen, for the sovereign of the waters: they engrossed, by an exclusive privilege, the commerce of Russia: they took an active part in the trade of the Mediterranean: the company of merchant-adventurers pushed so vigorously the traffic with Germany and the central parts of Europe, as highly to excite the jealousy of the Hansc Towns: and the protestant inhabitants of the Netherlands and

France, flying from the persecutions of their own oppressive and bigoted governments, augmented the commercial resources of England by the capital and skill of a large importation of the most ingenious and industrious people in Europe.<sup>1</sup>

BOOK I.  
CHAP. 1.  
1527.

In these circumstances, the lustre of the Portuguese transactions in the East peculiarly attracted the admiration of the English. 'Already a most adventurous spirit of navigation was roused in the nation. The English were the first who had imitated the example of the Spaniards in visiting the New World. In 1497, Cabot, with a small squadron, explored the coast of America, from Labrador to Virginia, and discovered the islands of Newfoundland and St. John.<sup>2</sup> An English merchant, named Robert Thorne, who had been stationed for many years at Seville in Spain, and had acquired particular knowledge of the intercourse which the Portuguese had opened with the East, presented a project to Henry VIII. about the year 1527, the accomplishment of which he imagined would place his countrymen in a situation no less enviable than that of the Portuguese. As that nation had obtained a passage to India by a course to the south-east, and pretended a right, which they defended by force, to its exclusive occupation, he supposed that his countrymen might reach the same part of the globe by sailing to the north-west, and thus obtain a passage at once expeditious and undisputed.<sup>3</sup> What effect this representation

<sup>1</sup> Anderson's History of Commerce in the reign of Elizabeth, passim. See also Hakluyt's Voyages, ii. 3, 96. Ibid. iii. 690. Gucciardini's Description of the Netherlands. Sir William Temple. Camden, 408.

<sup>2</sup> Hakluyt, iii. 4. Rymer's Fœdera, xii. 595. Anderson's History of Commerce, published in Macpherson's Annals, ii. 11. Robertson's History of America, iv. 138.

<sup>3</sup> Hakluyt, iii. 129. Harris's Collection of Voyages, i. 874.

BOOK I. produced on the mind of Henry is not accurately  
 CHAP. 1 known. But two voyages in the course of his reign  
 1527. were undertaken for the discovery of a north-west  
 passage, one about this period,<sup>1</sup> and another ten  
 years later.<sup>2</sup>

Nothing can more clearly prove to us the ardour with which the English coveted a share in the riches supposed to be drawn from the East, than the persevering efforts which they made to discover a channel from which the Portuguese should have no pretence to exclude them. Two attempts in the reign of Henry to obtain a passage by the north-west having failed, their exploring fancy anticipated a happier issue from a voyage to the north-east. A small squadron, under the direction of Sir Hugh Willoughby, was fitted out in the reign of Edward VI.; and, sailing along the coast of Norway, doubled the North Cape,<sup>3</sup> where it was encountered by a storm. The ship of Sir Hugh was driven to an obscure spot in Russian Lapland, where he and his crew perished miserably by the climate. The other principal vessel found shelter in the harbour of Archangel, and was the first foreign ship by which it was entered. So well did Chancellour, its captain, improve the incident, that he opened a commercial intercourse with the natives, visited the monarch in his capital, stipulated important privileges for his countrymen; and laid the foundation of a trade which was immediately prosecuted to no inconsiderable extent. This voyage but little damped the hopes of obtaining a north-east passage to the riches of India. Some vigorous attempts were made by the company in whose hands the commerce with Russia was placed;<sup>4</sup> the last of

<sup>1</sup> Hakluyt, *ut supra*.    <sup>2</sup> *Ibid.* 131.    <sup>3</sup> Hakluyt, i. 226, &c.

<sup>4</sup> Anderson's *History of Commerce in Macpherson*, ii. 166.

them in 1580, when two ships were sent out to explore the passage through the straits of Waygatz: after struggling with many perils and difficulties from the ice and the cold, one of the vessels returned unsuccessful; of the other no intelligence was ever received.

BOOK I.  
CHAP. 1.  
1567.

Before this hope was abandoned, the project of obtaining a passage by the north-west was ardently resumed. No fewer than six voyages were made in the course of a few years. Two barks of twenty-five tons each, and a pinnace of ten, sailed under Martin Frobisher in the year 1567, and entered Hudson's bay, which they at first imagined was the inlet about to conduct them to the golden shore. The same navigator was encouraged to make a second attempt in the same direction in 1576. As he brought home some minerals, which were supposed to be impregnated with gold, the attention of government was excited; and after two years, Frobisher was sent out with fifteen of the Queen's ships, miners for the supposed ore, and 120 persons as the rudiments of a colony. Having spent his provisions, and lost one of his ships, but not having found the expected passage, nor left his settlers, he returned with 300 tons of the supposed treasure, which proved to be only a glittering sand.<sup>1</sup> The nation persevered in its hopes and its enterprises. A few years afterwards, Captain John Davis sailed as far as 66° 40' north, and discovered the straits distinguished by his name. In a second-voyage, undertaken in 1586, he explored in vain the inlet which he had thus discovered, and after a few years was enabled to proceed in a third expedition, which had no better success than the preceding two.<sup>2</sup>

<sup>1</sup> Hakluyt. Anderson, ut supra, ii. 145, 158, 159.

<sup>2</sup> Hakluyt. Anderson, ut supra, ii. 175, 180, 185.

BOOK I.  
CHAP. I.

1577.

After the defeat of so many efforts to discover a new passage to India, the English resolved to be no longer deterred by the pretensions of the Portuguese. A voyage to China by the Cape of Good Hope was undertaken in 1582. Four ships proceeded to the coast of Brazil, fought with some Spanish men of war, and were obliged to return for want of provisions.<sup>1</sup> Another expedition, consisting of three ships, was fitted out in 1596, the commander of which was furnished with Queen Elizabeth's letters to the Emperor of China. This voyage proved eminently unfortunate. The ships were driven upon the coast of Spanish America, where only four men were preserved alive from the effects of storms, famine, and disease.<sup>2</sup>

Amid these unsuccessful endeavours two voyages were accomplished, which animated the hopes of the nation, and pointed out the way to more fortunate enterprises. Francis Drake, the son of a clergyman in Kent, who at a tender age had been put an apprentice to the master of a slender bark trading to the coast of Holland and France, had early evinced that passionate ardour in his profession which is the usual forerunner of signal success.<sup>3</sup> He gained the affection of his master, who left him his bark at his death; at the age of eighteen he was purser of a ship which sailed to the bay of Biscay; at twenty he made a voyage to the coast of Guinen; in 1565 he ventured his all in a voyage to the West Indies, which had no success; and in 1567 he served under his kinsman Sir John Hawkins, in his unprosperous expedition to the bay of Mexico. In these different

<sup>1</sup> Anderson, *ut supra*, n. 171

<sup>2</sup> Purchas, b. iii. sect. 2. Anderson, n. 210

<sup>3</sup> Hakluyt, iii. 440. Harris's *Collection of Voyages*, i. 14. Camden's *Annals*, 301, &c.

services, his nautical skill, his courage, and sagacity, had been conspicuously displayed. In 1570 his reputation enabled him to proceed to the West Indies with two vessels under his command. So vehemently was he bent on executing some great design, that he renewed his visit the next year, for the sole purpose of obtaining information. He had no sooner returned than he planned an expedition against the Spaniards, executed it with two ships and seventy-three men, sacked the town of Nombre de Dios, and returned with great treasure. It is said that, in this voyage, he saw from the top of a high-tree, that is, fancied he saw, across the American isthmus, the Southern Ocean, and became inflamed with the desire of reaching it in a ship of England.

BOOK I.  
CHAP. I.  
1577.

For this expedition he prepared on a great scale; obtaining the commission of the Queen, and the command of five vessels; one of 100 tons, another of eighty, one of fifty, another of thirty, and a pinnace of fifteen; the whole manned with 164 select sailors. The historians of his voyage are anxious to display the taste and magnificence, as well as judgment, of his preparations; expert musicians, rich furniture; utensils of the most curious workmanship, vessels of silver for his table, and many of the same precious metal for his cook-room.

The expedition sailed from Plymouth on the 13th, of December, 1577. Having passed the Straits of Magellan, and ravaged the western coast of Spanish America, Drake feared the encounter of a Spanish fleet, should he attempt to return in the same direction, and formed the bold design of crossing the Pacific Ocean, and regaining England by the Cape of Good Hope.

With one ship, the only part of the fleet which remained, he steered along the coast of America to the

BOOK I. latitude of  $38^{\circ}$  north, and then entered upon that immense navigation, in which Magellan, the only circumnavigator who preceded him, had sustained so many disasters. No memorable occurrence attended the voyage. Of the islands which have been discovered in the Pacific Ocean none were observed till he approached the Asiatic coast. Fixing his attention on the Moluccas, of which the fame had been circulated in Europe by the rich spices thence imported by the Portuguese, he passed, with little observation, the more eastern part of the numerous islands which stud the Indian seas, and held his course for Tidore. From intelligence, received on the passage, he waived his intention of landing on that island, and steered for Ternate, the sovereign of which he understood to be at enmity with the Portuguese.

His intercourse with that island forms a remarkable epoch in the history of the British nation in India, as it was the beginning of those commercial transactions which have led to the greatest results. The King, having received assurances that his new visitants came with no other intention than that of trading with his country, gave them a very favourable reception. This monarch possessed considerable power, since the English navigators were informed that he ruled over seventy islands, besides Ternate, the most valuable of all the Moluccas; and in the visits which they paid to his court they were eyewitnesses of no contemptible magnificence. They exchanged presents with him, and received him on board; they traded with his subjects, laid in a cargo of valuable spices, and acquainted themselves with the nature and facilities of a commerce which was the object of admiration and envy in Europe.

Not satisfied with the information or the commo-

ditities which they received on one island, they visited several, being always amazed at their prodigious fertility, and in general delighted with the manners of the inhabitants. Among other places they landed in the great island of Java, famous afterwards as the seat of the Dutch government in India. They held some friendly intercourse with the natives, and departed with a tolerable knowledge both of the character of the people, and the productions of the country.

BOOK I.  
CHAP. 1.  
1580.

They now spread their sails for that navigation between Europe and India, to which the Portuguese claimed an exclusive right, and by which they monopolized the traffic with India. Those discoverers had craftily disseminated in Europe terrific accounts of dangers and horrors attending the navigation round the Cape of Good Hope. As the voyage of the English proved remarkably prosperous, they were surprised and delighted with the safety and ease which seemed to them to distinguish this envied passage, and conceived a still more lofty opinion of the advantages enjoyed by the nation that engrossed it. After leaving Java, the first land which they touched was the Cape of Good Hope. They landed once more at Sierra Leone, on the African coast, and received supplies which sufficed for the remainder of the voyage. They arrived at Plymouth on Monday the 26th of September, 1580; after a voyage of two years, ten months, and a few days; exhibiting to the wondering eyes of the spectators the first ship in England, and the second in the world, which had circumnavigated the globe. The news quickly spread over the whole kingdom, which resounded with the applauses of the man who had performed so daring and singular an enterprise. Whoever wished to be distinguished as the patron of merit hastened to confer some mark of his admiration on Captain Drake. The songs, epigrams, poems, and



BOOK I. other pieces, which were composed in celebration of  
 CHAP 1<sup>1</sup> his exploits, amounted to several collections.<sup>1</sup> The

1580.

Queen, after some delay, necessary to save appearances with the Spanish court, which loudly complained of the depredations of Drake, though as reprisals perhaps they were not undeserved, paid a visit in person to the wonderful ship at Deptford; accepted of an entertainment on board, and conferred the honour of knighthood on its captain; observing, at the same time, that his actions did him more honour than his title.<sup>2</sup>

[We may form some conception of the ardour which at that time prevailed in England for maritime exploits, by the number of men of rank and fortune, who chose to forego the indulgences of wealth, and to embark their persons and properties in laborious, painful, and dangerous expeditions. Among them we find such names as those of the Earls of Cumberland and Essex, of Sir Richard Greenville, Sir Walter Raleigh, Sir Humphry Gilbert, Sir Robert Dudley, who prepared squadrons at their own expense, and sailed to various parts of the world. No undertaking of this description was attended with more important circumstances than that of Thomas Cavendish.]

<sup>1</sup> This gentleman, descended from a family of distinction, and inheriting a large estate in the county of

<sup>1</sup> Harris is not satisfied with the merit of these productions, which reached not, in his opinion, the worth of the occasion, and seems to be rather indignant that no modern poet has rivalled the glory of Homer, "by displaying in verse the labours of Sir Francis Drake." 1. 20.

<sup>2</sup> Her Majesty appears to have been exquisitely gracious. The crowd which thronged after her was so great that the bridge, which had been constructed between the vessel and the shore, broke down with the weight, and precipitated 200 persons into the water. As they were all extricated from their perilous situation without injury, the Queen remarked that so extraordinary an escape could be owing only to the fortune of Sir Francis Drake. Harris, l. 20.

Suffolk, had been early fired with a passion for maritime adventure: in a vessel of his own, he had accompanied Sir Richard Greenville in his unsuccessful voyage to Virginia; and now sold or mortgaged his estate, to equip a squadron with which he might rival the glory of Drake. It consisted of three ships, the largest of 140 tons, one of sixty, and a bark of about forty, the whole supplied with two years' provisions, and manned with 126 officers and sailors, of whom several had served in the celebrated expedition of Drake.

They sailed from Plymouth on the 21st of July, 1586. Their voyage through the Straits of Magellan, and the depredations which they proceeded to commit along the western coast of the American continent, not only in the spirit of avarice, but even of wanton devastation, form no part of our present subject, and may without regret be left to other recorders. They had reached the coast of California, and nearly 24° of northern latitude; when, having taken a very rich Spanish ship, and completed their schemes of plunder, they commenced their voyage across the Pacific Ocean. They left the coast of America on the 19th of November; and came in sight of Guam, one of the Ladrone islands, on the 3d of January. From this island they were visited by sixty or seventy canoes full of the inhabitants, who brought provisions to exchange for commodities, and so crowded about the ship, that the English, when they had finished their traffic, discharged some of their fire arms to drive them away.<sup>1</sup> With the Philippines, to which

<sup>1</sup> I am sorry to observe that no great respect for human life seems to have been observed in this proceeding; since, directly implying that the guns had been charged with shot, and levelled at the men, the historian of the voyage jocosely remarks, "that 'tis ten to one if any of the savages were killed; for they are so very nimble that they drop immediately

BOOK I. they next proceeded, they opened a more protracted  
 CHAP. 1. intercourse ; having cast anchor at one of the islands,  
 1586. where they lay for nine days, and carried on an active trade with the inhabitants.

The cluster of islands, to which the Europeans have given the name of the Philippines, was discovered by Magellan. Philip II., shortly after his accession to the Spanish throne, planted there a colony of Spaniards, by an expedition from New Spain ; and a curious commerce had from that time been carried on across the Great Pacific between this settlement and the dominions of Spain in the new world. To Manilla, the capital of the Philippine colony, the Chinese, who resorted thither in great numbers, brought all the precious commodities of India ; and two ships were sent annually from New Spain, which carried to the Philippines the silver of the American mines, and returned with the fine productions of the East. The impatience, however, of the natives under the Spanish yoke, was easily perceived. When they discovered that the new visitors were not Spaniards, but the enemies of that people, they eagerly testified their friendship ; and the princes of the island, where Cavendish landed, engaged to assist him with the whole of their forces, if he would return and make war upon the common adversary.

This adventurous discoverer extensively explored the intricate navigation of the Indian Archipelago, and observed the circumstances of the new and extraordinary scene with a quick and intelligent eye. He visited the Ladrões ; shaped a course among the Philippines, which brought the greater part of those islands within his view ; passed through the Mo-

into the water, and die beyond the reach of all danger, upon the least warning in the world." Harris's Collect. of Voyages, i. 27.

lucas; sailed along that important chain of islands, which bounds the Indian Archipelago from the Strait of Malacca to the extremity of Timor; and passing the Strait of Bally, between the two Javas, cast anchor on the south-west side of the great island of that name, where he traded with the natives for provisions, and formed a sort of treaty, stipulating a favourable reception when his visit should be renewed.

BOOK I.  
CHAP. 1.

1588.

He sailed for the Cape of Good Hope on the 16th of March, careful to treasure up information respecting a voyage, which was now the channel of so important a commerce. He made astronomical observations; he studied the weather, the winds, and the tides; he noted the bearing and position of lands; and omitted nothing which might facilitate a repetition of the voyage to himself or his countrymen. He passed the Cape with prosperous navigation about the middle of May, and, having touched at St. Helena to recruit his stores, he landed at Plymouth on the 9th of September, 1588. In the letter which, on the very day of his arrival, he wrote to Lord Hunsdon, then Chamberlain to Queen Elizabeth, he says, "I navigated to the islands of Philippines, hard upon the coast of China, of which country I have brought such intelligence as hath not been heard of in these parts; a country, the stateliness and riches of which I fear to make report of, lest I should not be credited. I sailed along the islands of Moluccas, where, among some of the heathen people, I was well entreated, and where our countrymen may have trade as freely as the Portugals, if they themselves will."

The tide of maritime adventure which these splendid voyages were so well calculated to swell, flowed naturally towards India, by reason of the fancied opulence, and the prevailing passion for the commodities, of the East. The impatience of our countrymen had

BOOK I  
 CHAP. 1.  
 already engaged them in a circuitous traffic with that part of the globe. They sailed to the eastern shores

1588. of the Mediterranean Sea, where they found cargoes of Indian goods conveyed over land: and a mercantile company, denominated the Levant Company, was instituted, according to the policy of the age, to secure to the nation the advantages of so important a commerce.<sup>1</sup> The Company which, after the discovery of the port of Archangel, had been formed to carry on the trade with Russia, had opened a communication with Persia, and thence imported the commodities of India: Mr. Anthony Jenkinson, an active and enterprising agent of the Russia Company, sailed down the Volga, in 1558, to the Caspian Sea, which he crossed into Persia, and at Bôghar, a city of some importance, found merchants not only from various parts of the Persian empire, but from Russia, and China, and India. This voyage he performed seven times; and opened a considerable trade for raw and wrought silk, carpets, spices, precious stones, and other Asiatic productions. In 1563, there was business enough to require the presence of three agents at Cashin, the seat of the Persian court; and the traffic flourished for several years.

Accidental circumstances contributed to enliven the admiration excited by the Indian trade. During that expedition to the coast of Spain, on which Sir Francis Drake was sent, by Queen Elizabeth, to harass the Spanish shipping, and prevent as far as possible the preparations for the Invincible Armada, he took one of the Portuguese ships from India, known at that time by the name of Carracks. The value of her cargo inflamed the imaginations of the merchants; and the papers which she carried afforded information

<sup>1</sup> Monson's Naval Tracts. Halley's. Anderson's Hist. of Com. published in Macpherson's Annals, v. 169, 193, Rymer's Fœdera.

respecting the traffic in which she was engaged.<sup>1</sup> A BOOK I.  
still more important capture of the same sort was made CHAP. 1.  
in 1593. An expedition fitted out for the West In- 1593.  
dies by Sir Walter Ralclgh, and commanded by Sir  
John Boroughs, encountered near the Azores the  
greatest of all the Portuguese Carracks, a vessel of  
1,600 tons, carrying 700 men, and thirty-six brass  
cannon, and after an obstinate contest carried her into  
Dartmouth. She was the largest vessel which had  
ever been seen in England, laden with spices, calicoes,  
silks, gold, pearls, drugs, porcelain, ebony, &c.; and  
stimulated the impatience of the English to be engaged  
in so opulent a commerce.<sup>2</sup>

Some members of the Turkey or Levant Company  
finished about the same time an expedition into India.<sup>3</sup>  
They had carried some cloth, tin, and other goods  
from Aleppo to Bagdat, which they next conveyed  
down the Tigris to Ormus in the Persian Gulf, and  
thence transported to Goa, the great mart between  
the Portuguese and Indians on the coast of Malabar.  
From this place they commenced an extensive survey  
of the adjoining countries; repaired to Agra, at that  
time the capital and residence of the Mogul Emperor;  
visited Lahor; traversed Bengal; travelled to Pegu  
and Malacca; and, returning by sea to Ormus, re-  
traced their steps to Aleppo, whence they sailed for  
England, bearing with them important and extensive  
information respecting the countries they had explored.  
Intelligence now poured itself into the nation by  
a variety of channels. An Englishman, of the name

<sup>1</sup> This is not a conclusion merely drawn from the circumstances of the case, which however would sufficiently warrant it; but stated on the testimony of Cambden, who related what he heard and saw. Cambden's Annals. Anderson's Hist. of Commerce.

<sup>2</sup> Anderson's Hist. of Commerce in Macpherson's Annals, ii. 201.

<sup>3</sup> They returned to London in 1591. Anderson, ut supra, ii. 198.

BOOK I. of Stevens, had sailed with the Portuguese from Lis-  
 CHAP. 1. bon to Goa, by the Cape of Good Hope, and wrote an  
 1593. account of his voyage, which was read with avidity,  
 and contributed to swell the general current of enter-  
 prise which now ran so vehemently toward India.<sup>1</sup>

The first application which was made to govern-  
 ment was by a memorial, in the name of "divers mer-  
 chants," addressed to the Lords of Council, in 1589,  
 for the royal permission to send three ships, and as  
 many pinnaces, on a voyage to India. They enumerated  
 the different places, at which the Portuguese had  
 already effected settlements, on the coasts of Malabar  
 and Coromandel, in Malacca, and in the Banda and  
 Molucca islands, places from which it seemed to be  
 tacitly understood that other nations were bound to  
 abstain. But they added, that the islands and shores  
 of the Indian ocean presented many other places, open  
 to the enterprise of English merchants, an intercourse  
 with which might yield the greatest advantages.<sup>2</sup>  
 What reception this application received is unknown.  
 But the unfortunate expedition of Captain Raymond;  
 remarkable as being the first of which India was the  
 immediate destination, though its object was not trade,  
 so much as plunder, by cruising against the Portu-  
 guese; was fitted out in 1591. Disease had made  
 such ravages among the crews, before they reached  
 the Cape of Good Hope, that one of the vessels was  
 sent home with the sick; and the rest, two in num-  
 ber, had not long doubled the Cape, when the princi-  
 pal ship was lost in a storm. Captain James Lancaster,  
 in the remaining vessel, after a disastrous voyage to  
 the East, sailed to the West Indies, where he lost the

<sup>1</sup> Harris's Voyages, i. 875.

<sup>2</sup> This Memorial is preserved in the State Paper Office, and a short  
 account of it has been given us by Mr. Bruce, *Annals of the East India  
 Company*, i. 109.

ship, and with great difficulty found means to return in a French privateer.<sup>1</sup>

BOOK I.  
CHAP. 1.

1599.

While the English fluctuated between desire and execution in this important enterprise, the Dutch, in 1595, boldly sent four ships to trade with India by the Cape of Good Hope.<sup>2</sup> This exploit added fuel, at once, to the jealousy, and to the ambition of the English. In 1599, an association was formed, and a fund subscribed, which amounted to 30,133*l.* 6*s.* 8*d.*, and consisted of 101 shares, the subscriptions of individuals varying from 100*l.* to 3,000*l.* It was agreed to petition the Queen for a warrant to fit out three ships, and export bullion, and also for a charter of privileges. A committee of fifteen, the origin and foundation of a Court of Directors, were chosen to manage. The approbation of the government was readily signified; but as a treaty was then pending with Spain, policy appeared to counsel delay. The subscribers, known by the name of the adventurers, were impatient, and presented a memorial, distinguishing the places with which the Spaniards and Portuguese had established an intercourse, from others to which, without any ground of complaint on the part of those nations, the English might with unspeakable advantage resort. The council replied, that "it was more beneficial for the generall state of merchandise to entertayne a peace, then that the same should be hindered, by the standing w<sup>th</sup> y<sup>e</sup> Spanishe commissions, for the mayntayning of this trade, to forgoe the oportunity of the coneluding of the peace."<sup>3</sup> The memorial was referred to Sir Foulke Greville, who made a favourable report: and in the course of the same year, the Queen sent John Mildenhall over land by Constantinople on an embassy to the Great Mogul.

<sup>1</sup> Anderson's Hist. of Commerce in Macpherson's Annals, ii. 199. Harris's Voyages, i. 875.

<sup>2</sup> Anderson, ut supra, ii. 209. Harris's Voyages, i. 920.

<sup>3</sup> Minutes, &c. (Indian Register Office.) Bruce's Annals, i. 112.



BOOK I. It was attended with little success. The Portu-  
 CHAP. 1. guese and Venetian agents exerted themselves to raise  
 1600. suspicious against the designs of the English, and ef-  
 fectually obstructed the endeavours of the ambassa-  
 dor.

Towards the end of the year 1600 the efforts of the adventurers were renewed; and the consent of government was obtained to proceed in preparations for an Indian voyage, while the patent of incorporation was still under consideration. Meanwhilc an application was made from government, with what view does not appear, for the employment of Sir Edward Michelbourne in the expedition. The answer of the committee, though petitioners for a favour not yet conceded, affords a curious specimen of their independence, and of the mode of thinking of the times. They stated it as their resolution "not to employ nny *gentleman* in any place of charge," and requested "that they may be allowed to sort theire business with men of their own qualitie, lest the suspicion of the employmt of *gentlemen* being taken hold uppon by the generalitie, do dryve a great number of the adventurers to withdrnw their contributions."<sup>1</sup> The adventure was prosecuted with ardour. On the 8th of October the five following ships were already provided; the *Malice Scourge*. of 200 men, and 600 tons burden; the *Hector*, of 100 men, and 300 tons; the *Ascension*, of eighty men, and 260 tons; the *Susan*, of eighty men, and 240 tons; and a pinnace of forty men, and 100 tons. To provision these ships for twenty months the cost was computed at 6,600*l.* 4*s.* 10*d.*; and the cargo consisting of iron and tin, wrought and unwrought, of lead, cloths, and some smaller articles, chiefly intended as presents, was estimated, exclusive

<sup>1</sup> Minutes of a General Court of Adventnrers, preserved in the Indian Register Office. Bruce's Annals, i. 128.

of bullion, at 4,545*l*. It was determined that thirty-six factors or super-cargoes should be appointed for the voyage, divided into separate classes, rising above one another in trust and emoluments. Captain James Lancaster, whose difficult return from a predatory expedition has already been mentioned, was chosen to command the fleet; and on the 31st of December the charter of privileges was obtained.<sup>1</sup>

This charter, the origin of a power so anomalous and important as that which was afterwards accumulated in the hands of the East India Company, contained nothing which remarkably distinguished it from the other charters of incorporation, so commonly in that age bestowed upon trading associations. It constituted the adventurers a body politic and corporate by the name of "the Governor and Company of Merchants of London, trading to the East Indies;" and vested them with the usual privileges and powers. The plan which they had already adopted for the management of their affairs, by a committee of twenty-four, and a chairman, both to be chosen annually, was confirmed and rendered obligatory. With a reservation in favour of the rights granted to other associations, and with prohibition extending to all such places as might be already occupied by the subjects of states in amity with her Majesty, and whose objection to rivals should be declared, the privilege of trading to the East Indies, that is, to all places beyond the Cape of Good Hope and the Straits of Magellan, was bestowed upon the Company, with power to export in each voyage 30,000*l*. in gold and silver, English goods for the first four voyages exempt from duties, and to re-export Indian goods in English ships under the same privilege to the end of the char-

<sup>1</sup> Bruce's Annals, i. 129—136. Anderson's History of Commerce in Macpherson's Annals, ii. 216. Harris's Collection of Voyages, i. 875.

BOOK I.  
CHAP. 1.

1600.

ter. According to the principle of the times, the charter was exclusive; prohibiting the rest of the community from trading within the limits assigned to the Company, but granting to them the power, whenever they pleased, of bestowing licenses for that purpose. It was granted for a period of fifteen years; but under condition that, if not found to be advantageous to the country, it might be annulled at any time under a notice of two years: if advantageous it might, if desired by the Company, be renewed for fifteen years.

The ardour of individuals, where any thing is to be risked, is more easily excited, than upheld. Though the list of subscribers, while the scheme of Indian adventure was yet in contemplation, had been readily filled up, the calls of the committees for the payment of the instalments were very imperfectly obeyed. Even when the charter was obtained, it was either understood to confer no power of compelling payment, or the directors were afraid to make use of it. Instead of exacting the stipulated sums, and trading upon the terms of a joint-stock company, the subscribers who had paid were invited to take upon themselves the expense of the voyage, and, as they sustained the whole of the risk, to reap the whole of the profit.

The sums which were thus advanced amounted to 68,373*l.* which greatly exceeded the capital originally subscribed. Of this, 39,771*l.* was expended in the purchase and equipment of ships—the four, excluding the pinnace, which were taken up by the committee of original adventurers: 28,742*l.* was expended in bullion: and 6,860*l.* in goods; consisting partly of British commodities, cloth, lead, tin, cutlery, glass, &c.; partly of foreign, as quicksilver, Muscovy hides, &c. The choice of Captain Lancaster to command the fleet was renewed; and it sailed from Torbay on

the 2d of May, 1601, carrying letters of recommendation from the Queen to the sovereigns of the different ports to which it might resort.<sup>1</sup>

BOOK I.  
CHAP. 1.

1600.

A first and experimental attempt was naturally unproductive of any remarkable result: but the first voyage of the East India Company was not discouraging. The first place in India to which they repaired was Acheen, a principal city in the island of Sumatra, at which they were favourably received. They formed a treaty of commerce with the chief or sovereign of the place; obtained permission to erect a factory; and, having taken on board a quantity of pepper, set sail for the Moluccas. In the Straits of Malacca they captured a Portuguese vessel of 900 tons burthen, carrying calicoes and spices, which sufficed to lade the fleet. They diverted their course, therefore, to Bantam in the island of Java; where the Captain, delivering his letters and presents, and meeting with a

<sup>1</sup> Bruce's Annals, i. 146. "But forasmuch," says Sir William Monson (Naval Tracts, iii. Churchill's Collection of Voyages, 475), "as every innovation commonly finds opposition, from some out of partiality, and from others as enemies to novelty; so this voyage, though at first it carried a great name and hope of profit, by the word India, and example of Holland, yet was it writ against." He then exhibits the objections, seven in number, and subjoins an answer. The objections were shortly as follows, the answers, may be conceived:

1. The trade to India would exhaust the treasure of the nation by the exportation of bullion.
2. It would consume its mariners by an unhealthy navigation.
3. It would consume its ships by the rapid decay produced in the southern seas.
4. It would hinder the vent of our cloth, now exported in exchange for the spices of the foreign merchants.
5. It was a trade of which the returns would be very slow.
6. Malice to the Turkey Company was the cause of it, and jealousy and hatred from the Dutch would be the unhappy effect.
7. It would diminish the Queen's customs by the privilege of exporting bullion duty free.

These objections, with the answers, may also be seen in Anderson's History of Commerce, *ad an.*



and 650*l.* in goods. . All these voyages, with one exception, that in 1607, of which both the vessels were lost, were prosperous: the clear profits, hardly ever below 100 per cent, being in general more than 200 on the capital of the voyage.<sup>1</sup>

BOOK I.  
CHAP. 1.  
1603-13.

The years in which these voyages were performed were not without other incidents of considerable importance. In 1604, the Company were alarmed by a licence in violation of their charter, granted to Sir Edward Michelborne and others, to trade to "Cathaia, China, Japan, Corea, and Cambaya, &c." This injury was compensated in 1609, when the facility and indiscretion of King James encouraged the Company to aim at a removal of those restrictions which the more cautious policy of Elizabeth had imposed. They obtained a renewal of their charter, confirming all their preceding privileges, and constituting them a body corporate, not for fifteen years, or any other limited time, but for ever; still, however, providing that, on experience of injury to the nation, their exclusive privileges should, after three years' notice, cease and expire.

The earliest of the Company's voyages were exclusively directed to the islands in the Indian Ocean, as Sumatra, Java, and Amboyna, the returns being raw silk, fine calicoes, indigo, cloves, and mace. In 1608, the factors at Bantam and in the Moluccas reported that the cloths and calicoes imported from the continent of India were in great request in the islands; and recommended the opening of a trade at Surat and Cambaya, to supply them with those commodities, which might be exchanged, with extraordinary profit, for the spice and other productions of the islands. To profit by these advantages, the fleet

<sup>1</sup> Bruce's Annals, i. 152—163.

BOOK I. which sailed under the orders of Sir Henry Middleton, in 1609, was directed to steer for the western  
 ЧАП. 2.  
 1603-13. coast of the Asiatic continent, where they made several attempts to establish a commercial intercourse. At Aden and Mocha they were opposed by the Turks; who surprised one of the ships, and made the Captain and seventy men prisoners. On the coast of India their endeavours were frustrated by the influence of the Portuguese. A fleet which sailed in 1611 had better success. Attacked at Swally, a place at no great distance from Surat, by a large Portuguese armament, it made a successful defence; and, notwithstanding the intrigues and efforts of the Portuguese, obtained a favourable reception at Surat. The English now succeeded in forming a commercial arrangement. They obtained permission to establish factories at Surat, Ahmedabad, Cambaya, and Goga, which were pointed out, by the agents of the Company, as the best situations; and agreeing to pay a duty of  $3\frac{1}{4}$  per cent., received assurance, that this should be the only exaction to which their merchandise should be subject; that protection should be afforded to their factories; and that their property, even in the case of the death of their agents, should be secured till the arrival of another fleet. A phirmaun or decree of the Emperor, conferring these privileges, was received on the 11th of January, 1612; and authorised the first establishment of the English on the continent of India, at that time the seat of one of the most extensive and splendid monarchies on the surface of the globe.<sup>1</sup>

<sup>1</sup> Bruce's Annals, i. 164.

## CHAP. II.,

*From the Change of the Company into a Joint-stock Company, in 1612, till the Formation of the third Joint-stock in 1631-2.*

HITHERTO the voyages of the East India traders had been conducted on the terms rather of a regulated than a joint-stock company; each adventure being the property of a certain number of individuals, who contributed to it as they pleased, and managed it for their own account, subject only to the general regulations of the Company. Whether this was more adapted or not, to the nature of commerce, and the interests of the nation, it was less favourable to the power and consequence of a Governor and Directors, than trading on a joint-stock, which threw into their hands the entire management and power of the whole concern. Accordingly, *they* exerted themselves to decry the former method, and, in 1612, were enabled to come to a resolution, that in future, the trade should be carried on by a joint-stock only.<sup>1</sup>

BOOK I.  
CHAP. 2.  

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1613.

It still appears to have been out of their power to establish a general fund, fixed in amount, and divided into regular shares; the capital was still raised by a sort of arbitrary subscription, some individuals, whose names stood as members of the Company, advancing nothing, others largely. They now, however, subscribed, not each for a particular adventure, with an association of his own choosing, but all into the hands of the Governor and Directors, who were to employ the aggregate as one fund or capital for the benefit

<sup>1</sup> Bruce, i. 165.



BOOK I. of those by whom it was advanced. On these terms  
 CHAP. 2. 429,000*l.* was raised, which the Directors thought  
 1613-16. proper to divide for the purpose of four separate ad-  
 ventures or voyages, to be undertaken in as many  
 successive years. The voyages were regulated, and  
 composed as follows:

Year.	Vessels.	Investment.	
		Bullion	Goods.
1613	8	18,810 <i>l.</i>	12,446 <i>l.</i>
1614	8	13,942	23,000
1615	6	26,660	26,065
1616	7	52,087	16,506

The purchase, repair, and equipment of the vessels amounted to 272,544*l.*, being the remainder of stock.

The profit of these voyages was far from setting the manangement of a court of Directors, as compared with that of individuals taking charge of their own affairs, in a favourable light. The average of the profits on the eight voyages-which preceeded, leaving out of the account the small adventure of what is called the Company's fourth voyage, wholly unfortunate, was 171 per cent. The average of the profit on the four voyages in question, was only 87½ per cent.<sup>1</sup>

As the power of the Portuguese in the East carried the usual consequences of power along with it, among other things, an overbearing and insolent spirit, they had already embroiled themselves with the Mogul government: an event favourable to the English, who were thus joined with that government in a common cause. At the same time the splendid achievements of the English, against an enemy whom the governments of India were ill able to resist,

<sup>1</sup> Bruce, i. 166

raised high their reputation for prowess in war. A Portuguese fleet burned the towns of Baroach and Goga: and a powerful armament arrived at Swally with the Portuguese Viceroy, in January 1614; which attacked the English; but was defeated, with a loss of 350 men. To improve these favourable circumstances, an agent of the Company repaired to the Mogul court, where he was well received, and obtained a royal phirmaun for a general and perpetual trade; and in the same year took place the celebrated royal embassy of Sir Thomas Roe. The character of an ambassador, and the respect attached to it by the discernment of more enlightened nations, were but little understood at the court of the Mogul. On that occasion the choice of the English Ambassador was happy: Sir Thomas was a man of discernment, and temper, and made the most of the circumstances in which he was placed; though he soon discovered that it was bad policy by which he had been sent. He obtained redress of some of the grievances of which the English merchants complained; and concluded, though with difficulty, a sort of treaty, in which liberty was promised them of trading and establishing factories in any part of the Mogul dominions; Surat, Bengal, and Sindy being particularly named.<sup>1</sup>

Besides his other services, Sir Thomas bestowed advice upon the Company. "At my first arrival," says he, "I understood a fort was very necessary; but experience teaches me we are refused it to our own advantage. If the Emperor would offer me ten, I would not accept of one." He then states his reasons: first, he adduces evidence that it would be

<sup>1</sup> Bruce, i. 171, &c. Sir Thomas Roe's Journal and Letters. Churchill, i. 770—809.

BOOK I. of no service to their trade: "secondly, the charge,"  
 CHAP. 2 he says, "is greater than the trade can bear; for to  
 1613-16. maintain a garrison will eat out your profit; a war  
 and traffic are incompatible. By my consent you  
 shall never engage yourselves but at sea, where you  
 are like to gain as often as to lose. The Portugueses,  
 notwithstanding their many rich residences, are beg-  
 gared by keeping of soldiers; and yet their garrisons  
 are but mean. They never made advantage of the  
 Indies since they defended them: observe this well.  
 It has also been the error of the Dutch, who seek  
 plantations here by the sword. They turn a wonder-  
 ful stock; they prole in all places; they possess some  
 of the best: yet their dead pays consume all the gain.  
 Let this be received as a rule, that if you will profit,  
 seek it at sea, and in quiet trade; for, without contro-  
 versies, it is an error to affect garrisons and land wars  
 in India."

"It is not a number of ports, residences, and  
 factories, that will profit you. They will increase  
 charge, but not recompence it. The conveniency of  
 one, with respect to your sails, and to the commo-  
 dity of investments, and the well employing of your  
 servants, is all you need." If Sir Thomas had lived  
 to the present day, he might have urged the trade  
 with China as proof, by experiment, of the proposi-  
 tion he advanced.

"The settling your traffic here will not need so  
 much help at court as you suppose. A little coun-  
 tenance and the discretion of your factors will, with  
 easy charge, return you most profit; but you must  
 alter your stock. Let not your servants deceive  
 you; cloth, lead, teeth, quicksilver, are dead com-  
 modities, and will never drive this trade; you must  
 succour it by change."

"An ambassador lives not in fit honour here. A

meaner agent would, among these proud Moors, better effect your business. My quality, often, for ceremonies, either begets you enemies, or suffers unworthily. Half my charge shall corrupt all this court to be your slaves. The best way to do your business in it is to find some Mogul, that you may entertain for 1000 rupees a year, as your solicitor at court. He must be authorized by the king, and then he will serve you better than ten ambassadors. Under him you must allow 500 rupees for another at your port to follow the Governor and customers, and to advertise his chief at court. These two will effect all; for your other smaller residences are not subject to much inconveniency."

BOOK I.  
 CHAP. 2.  
 1613-16.

The permission to the Company's servants to trade privately on their own account, which afterwards produced so many inconveniences, was, it seems, even at this early period, a source of abuse. "Concerning this, it is my opinion," says Sir Thomas, "that you absolutely prohibit it, and execute forfeitures, for your business will be the better done. All your loss is not in the goods brought home; I see here the inconveniences you think not of; I know this is harsh to all men, and seems hard. Men profess they come not for bare wages. But you will take away this plea, if you give great wages to their content; and then you know what you part from; but then you must make good choice of your servants, and use fewer."

Sir Thomas tells the Company that he was very industrious to injure the Dutch. "The Dutch," he says, "are arrived at Surat from the Red Sea, with some money and southern commodities. I have done my best to disgrace them; but could not turn them out without further danger. Your comfort is, here

BOOK I. are goods enough for both." <sup>1</sup> If so, why seek to  
 CHAP. 2 turn them out?

1617. One of the objects at which the adventurers from England most eagerly aspired was a share in the traffic of the Spice Islands. The spices, from their novelty, were at that time a favourite object of consumption to those the supply of whose wants is so naturally but thoughtlessly regarded by the dealer as peculiarly profitable, the rich and the great: and the commerce, brilliant as compared with that of other nations, which the enterprise and diligence of the Dutch now carried on with the East, almost entirely consisted of those commodities. The English, by their connexion with Sumatra and Java, had their full share in the article of pepper; but were excluded from cinnamon, cloves, nutmegs, and all the finer spices. Agents were now sent from Bantam to Amboyna, Banda, and other islands, who fired the jealousy and cupidity of the Dutch. Defeated in their endeavours at all the places where the Dutch had already established themselves, the English projected, as a last resource, a factory at Macassar, of which the produce was only rice, but which might serve as a magazine for spices collected from the neighbouring islands.<sup>2</sup>

In the year 1617, or the year of the last of the four voyages in which the general subscription had been

<sup>1</sup> Churchill, i. 106—108. He gives another account of his endeavours to injure the Dutch, in the following words —“ The 10th, 11th, and 12th, I spent in giving the king and prince advice that a Dutch ship lay before Surat, and would not declare upon what design it came, till a fleet arrived; which was expected with the first fit season. Thus I improved to fill their heads with jealousies of the designs of the Dutch, and the dangers that might ensue from them; which was well taken: and, being demanded, I gave my advice to prevent coming to a rupture with them, and yet exclude them the trade of India.” Ib 774

<sup>2</sup> Bruce, i. 174, 178

employed, the Company's agents reported; that Surat was the place at which the cloths of India could best be obtained, though nothing could there be disposed of in return except China goods, spices, and money: That large quantities of Indian wove goods might be sold, and gold, camphor, and benjamin obtained, at the two factories of Acheen and Tekoo on the island of Sumatra: That Bantam afforded a still larger demand for the wove goods of India, and supplied pepper for the European market: That Jacatra, Jambee, and Polania, agreed with the two former places in the articles both of demand and supply, though both on a smaller scale: That Siam might afford a large vent for similar commodities, and would yield gold, silver, and deer skins for the Japan market: That English cloth, lead, deer skins, silks, and other goods might be disposed of at Japan for silver, copper, and iron, though hitherto want of skill had rendered the adventures to that kingdom unprofitable: That, on the island of Borneo, diamonds, bezoar stones, and gold, might be obtained at Succadania, notwithstanding the mischief occasioned by the ignorance of the first factors; but from Banjarmassin, where the same articles were found, it would be expedient, on account of the treacherous character of the natives, to withdraw the factory: That the best rice in India could be bought, and the wove goods of India sold at Macassar: And that at Banda the same goods could be sold, and nutmegs and mace procured, even to a large amount, if the obstruction of European rivals were removed.<sup>1</sup>

Surat and Bantam were the seats of the Company's principal establishments.

In the year 1617-18, a subscription was opened

<sup>1</sup> Bruce, i. 188.

for a new fund, and was carried to the large amount of 1,600,000*l*. This was denominated the Company's Second Joint-stock. They were now, we are told, possessed of thirty-six ships, from 100 to 1,000 tons burthen; and the proprietors of stock amounted to 954.<sup>1</sup> But as the accounts of the Company have never been remarkable for clearness, or their historians for precision, we are not informed whether these ships belonged to the owners of the first joint-stock, or, to the owners of the second; or if to both, in what proportion; whether the 954 proprietors of stock were the subscribers to both funds, or, to the last only; whether any part of the first joint-stock had been paid back to the owners, as the proceeds came in; or whether both funds were now in the hands of the Directors at once, employed for the respective benefit of the respective lists of subscribers: two trading capitals in the same hands, employed separately, for the separate account of different associations. That such was the case to a certain extent may be concluded from this, that of the last of the voyages upon the first of the funds the returns were not yet made. We shall see that, afterwards, the Directors had, in their hands, at one and the same time, the funds of several bodies of subscribers, which they were bound to employ separately, for the separate benefit of each; that they, as well as their agents abroad, experienced great inconvenience in preserving their accounts and concerns separate and distinct; and that the interests and pretensions of the several bodies were prone to interfere.

The new subscription was divided into portions for three separate voyages.

The passion, naturally, of the Company's agents,

<sup>1</sup> Sir Jeremy Sambrooke's Report on East India Trade (MS in East India Register Office) quoted by Bruce, i. 193

at the different stations abroad, was to grasp at every thing, with little regard to the narrowness of the funds upon which their operations depended. In one point of view this was advantageous: while the ground was yet imperfectly explored, it yielded a wider field for selection. The factors at Surat were captivated with the project of a trade to Persia; it promised a vent for English woollens to a large amount, and would furnish silk and other goods, which, both in Europe and in India, might sell to the greatest advantage. Sir Thomas Roe dissuaded the speculation; on the ground, that the Portuguese were already in possession of the commerce, and that it would cost the Company more to protect themselves in it, than they could hope to gain by it. The views of the factors, because the most flattering, were the most persuasive; agents were sent to the court of Persia; grants of privileges were obtained; and a trade was opened, which experience proved to be of little importance.

The rivalry between the East India Company and the other nations of Europe includes, for a considerable time, the principal incidents of their history. The Portuguese, on the pretence of discovery, had long maintained an exclusive claim to the passage by the Cape of Good Hope: they had, partly by conquest, partly by agreement, made themselves masters of Goa, Bombay, and other places, on the Malabar coast; of Aden, at the entrance of the Red Sea; of Ormus, in the Persian Gulf; of part of the Malay coast, in the Straits of Malacca; of the Molucca islands; and of the coasts of Ceylon, the most valuable of all the eastern islands: they were possessed of factories in Bengal and in Siam; and they had erected the city of Macao on the coast of China.



BOOK I.

CHAP. 2.

1618.

The Dutch, while subject to the crown of Spain, had been accustomed to repair to Lisbon for the productions of the East; which, even at that early period, they were employed in distributing to the rest of Europe. When they broke the chains of their ancient masters, one of the means which Philip employed to distress them was, to deprive them of the commerce of his dominions. Prevented from obtaining Indian commodities by traffic with the subjects of Philip, they became ruinous competitors for the trade with India itself.

At the time when the Dutch commenced their voyages to the East, the crown of Spain was engaged in enterprises of so much importance, in other quarters, and so much engrossed with the contemplation of its splendid empire in the New World, that the acquisitions, in the East Indies, of the Portuguese, now become its subjects, were treated with comparative neglect. The Dutch, accordingly, who entered upon the trade to India with considerable resources and the utmost ardour, were enabled to supplant the Portuguese in the spice trade, and, after a struggle, to expel them from the Molucca islands. That celebrated people, now freed from the oppression of a bad government, were advancing in the career of prosperity with great and rapid strides. The augmentation of capital was rapid, in Holland, beyond what has often been witnessed in any other part of the globe. A proportional share of this capital naturally found its way into the channel of the India trade, and gave both extent and vigour to the enterprises of the nation in the East; while the English, whose country, oppressed by misgovernment, or scourged with civil war, afforded little capital to extend its trade, or means to afford it protection, found themselves

unequal competitors, with a people so favourably situated as the Dutch.

BOOK I.  
CHAP. 2.

1618.

During that age, the principles of public wealth were very imperfectly understood, and hardly any trade was regarded as profitable but that which was exclusive. The different nations which traded to India, all traded by way of monopoly; and the several exclusive companies treated every proposal for a participation in their traffic, as a proposal for their ruin. In the same spirit, every nation which obtained admittance into any newly explored channel of commerce endeavoured to exclude from it all participants, and considered its own profits as depending on the absence of all competition.

The Dutch, who were governed by the same prejudices as their contemporaries, and actuated, at least in that age, with rather more perhaps than the usual intensity of the appetite for gain, beheld, with great impatience, the attempts of the English to share with them in the spice trade. While contending for their independence against the power of Spain, and looking to England for support, they were constrained to practise moderation and forbearance; and during this time the English were enabled to form a connexion with Sumatra, to establish themselves at Bantam, and obtain a share in the traffic of pepper, which being a commodity so generally produced in the East, could not easily become the subject of monopoly. But before the English made efforts on any considerable scale to interfere with the trade of the further India, where the finer spices were produced, the power and confidence of the Dutch had greatly increased.

That people were more prejudicial opponents than the Portuguese, between whom and the English the interference was not so direct. The chief settlements

BOOK I. of the Portuguese on the continent of India were on  
 CHAP. 2. the Malabar coast, at a great distance from Surat,  
 1618. which was the principal seat of the English: it was  
 in the Persian trade alone that much incompatibility  
 of interest existed: and feeble, in India, as the English  
 at that time were, it is remarkable that they were  
 an overmatch at sea for the Portuguese; and hardly  
 ever encountered them without a brilliant victory,  
 or at least decided advantages. The case was dif-  
 ferent in regard to the Dutch: the pretensions of the  
 English to the spice trade interfered with the very  
 vitals of the Dutch commerce in the East; and the  
 fleets which the prosperous enterprise of the new  
 republic enabled it to maintain were so far superior  
 to those which the restricted means of the English  
 Company allowed them to send, that contention  
 became altogether hopeless and vain.

It was not till the year 1617-18, that the hostility  
 of the two nations displayed itself in operations of  
 force; the Dutch, in those places where they had  
 formed establishments, having in general been able,  
 by intrigue and artifice, to defeat the attempts of  
 their rivals. The English took possession of two  
 small islands, called Polaroon and Rosengin, which  
 were not formally occupied by the Dutch, but inti-  
 mately connected with some of their possessions.  
 The Dutch raised pretensions to them, and attacked  
 the English. The English had, however, so well  
 fortified themselves, that the Dutch found it imprac-  
 ticable at the first attempt to expel them; but they  
 found the means, partly by force, and partly by arti-  
 fice, to get possession of two English ships, on their  
 voyage to these islands; carried them to a Dutch  
 settlement, and refused to deliver them up, till every  
 pretension to the Spice Islands was renounced.<sup>1</sup>

<sup>1</sup> Bruce, i. 199.

The proceedings of the Dutch, though regarded by the English as in the highest degree unjust and rapacious, were founded on pretensions, not inferior to those on which the English Company endeavoured to convert claims into rights; and on pretensions which it is clear, at any rate, that the Dutch themselves regarded as valid and equitable; since they presented them to the English monarch, as the ground of complaint against his subjects, and of a demand for his interference to prevent the recurrence of similar injuries. In a memorial to James, in 1618, the Dutch Company set forth, that, at their own cost and hazard, they had expelled the Portuguese from the Spice Islands, and had established a treaty with the natives, on the express condition of affording the natives protection against the Portuguese, and enjoying the exclusive advantage of their trade; that the agents of the English Company, however, had interfered with those well-established rights, and had not only endeavoured to trade with the natives, but to incite them against the Dutch.

To these complaints the English Company replied, by an enumeration of injuries, from the resistance, the intrigues, and violence of the Dutch, in places where no factories of theirs had ever existed. But they also enumerated among their grievances, the hostilities experienced at Tydore and Amboyna, places to which the pretensions of the Dutch applied in all their force.<sup>1</sup> And if the ideas are admitted, which then prevailed, and on which the English as confidently grounded themselves as any other nation; ideas importing that, in newly-discovered countries, priority of occupancy constituted sovereignty, and that

BOOK I.

CHAP. 2.

1618.

<sup>1</sup> Memorial of the Dutch East India Company to King James, and Reply of the London East India Company thereto, in the year 1616, (East India Papers in the State Paper Office) quoted, Bruce, i. 202.

BOOK I. the will of the natives was to be counted for nothing;  
 CHAP. 2. the English could not make out a right to the trade of  
 1619. the Moluccas; for though Polaroon and Roscengin might not, by actual occupancy, have accrued to the Dutch, they form part of a narrow and closely connected cluster of islands, of which the Dutch had seized the principal, and with the security of which the presence of the English in any of the rest could as little be reconciled, as the security of Great Britain could be reconciled with the dominion of the French in Ireland. With respect to Java, and the settlements at Bantam and Jacatra, the English had an equitable plea, of which they appear not to have availed themselves; they might have insisted on the consent of the Dutch, who had not resisted their early settlement on that island, now sanctioned by time.

After a tedious interchange of hostilities in which intrigue and force were combined, (the practice of buying up the pepper at prices higher than the English could afford, forming one of the principal subjects of English complaint); it was agreed between the two governments in Europe, at that time allies, to institute a mutual inquiry, and form an arrangement respecting the claims of their subjects in the East. Commissioners were appointed; and, after repeated conferences; a treaty was concluded at London, on the 17th July, 1619. It was stipulated, that there should be a mutual amnesty, and a mutual restitution of ships and property; that the pepper trade at Java should be equally divided; that the English should have a free trade at Pullicate on the Coromandel coast on paying half the expences of the garrison; and that of the trade of the Moluccas and Bandas they should enjoy one third, the Dutch two, paying the charges of the garrisons in the same pro-

portions. Beside these conditions which regarded their opposite pretensions, the treaty included arrangements for mutual profit and defence. Each Company was to furnish ten ships of war, which were not to be sent in the European voyages, but employed in India for mutual protection; and the two nations were to unite their efforts to reduce the duties and exactions of the native governments at the different ports. To superintend the execution of this treaty a council was appointed, to be composed of four members of each Company, called the *Council of Defence*. And the treaty was to be in force during twenty years.<sup>1</sup>

BOOK I.  
CHAP. 2.,  
1619.

This solemn engagement is a proof, if there was not another, of the imperfection which still adhered to the art of legislation. The principal stipulations were so vague, and the execution of them dependent on so many unascertained circumstances, that the grounds of dispute and contention were rather multiplied than reduced. For these evils, as far as they were foreseen, the Council of Defence seems to have been devised, as the remedy. But experience taught here, what experience has uniformly taught, that in all vague arrangements the advantages are reaped by the strongest party. The voice of four Englishmen in the Council of Defence was but a feeble protection against the superior capital and fleets of the Dutch. The English, to secure their pretensions, should have maintained a naval and military force superior to that of their opponents. In that case, they would have been the oppressors; the Dutch would have been expelled from the spice trade; the spice trade would have rested with the English, who would have overlooked the continent of India, because their capital

<sup>1</sup> Rymer's *Fœdera*, xvii, 170. Bruce, i, 212.

BOOK I. would not have sufficed to embrace it; the continent  
 CHAP. 2. would have been left to the enterprise of other na-  
 1619, tions; and that brilliant empire, established by the  
 English, would never, it is possible, have received  
 a commencement.

In consequence of this treaty, by which the English were bound to send a fleet of ten ships to India, a larger fund was this year raised than had been provided for any preceding voyage: 62,490*l.* in the precious metals, and 28,508*l.* in goods, were exported with the fleet. The return was brought back in a single ship, and sold at 108,887*l.*<sup>1</sup>

In the interval between the time of concluding the treaty and the establishment of the *Council of Defence* at Jacatra, the Dutch had committed various acts of oppression on the English; and when the council began its operations, after executing some of the least important conditions of the treaty, they endeavoured to evade the rest. They consented to restore the ships taken from the English, but not the goods or stores taken by individuals; on the pretext, that the Company could not be responsible for any acts but their own; though, if the letters may be credited of the English factors at Jacatra, they exploded the same pretension when it was urged against themselves: They refused to admit the English to their share of the pepper trade, till indemnified for certain fortifications, and for the expences incurred by them at the siege of Bantam: They insisted that at Jacatra, and all other places where they had erected fortifications, they possessed the rights of sovereignty; and that the English could claim no permission to reside there except under the Dutch laws: They set forth the large expense they had incurred in for-

tifying the Spice Islands; the maintenance of which they estimated at 60,000*l.* per annum; and of all this they required the English to advance their due proportion; before they could be admitted to the stipulated share of the trade. The English objected, that some of the fortifications were at places where no produce was obtained, and that none of them were useful but for defence against the Spaniards and Portuguese, with whom they were not at war. On the whole it may be remarked, that if there were fortifications at places where none were required, the English had a right to decline paying for the blunders of the Dutch; but as they claimed a share of the trade upon the foundation of the Dutch conquests, and would not have been admitted to it without a war had not those conquests taken place, it was a less valid plea, to say that they were not at war with the Spaniards and Portuguese. In framing the treaty, no distinction was made between past and future expenses: the English intended to bind themselves only for a share of the future: the Dutch availed themselves of the ambiguity to demand a share of the past: And in all these pretensions, they acted with so high a hand, that the English commissioners of the Council of Defence reported the impracticability of continuing the English trade, unless measures were taken in Europe to check the overbearing and oppressive proceedings of the Dutch.<sup>1</sup>

In the circle of which Surat was the centre, as the English were more of a match for their antagonists, they had a better prospect of success. In 1620, two of the Company's ships, which sailed from Surat to Persia, found the port of Jasques blockaded by a Portuguese fleet, consisting of five large and sixteen

<sup>1</sup> Bruce, i. 223.



BOOK I. smaller vessels. Unable to cope with so disproportionate a force, they sailed back to Surat; where  
CHAP. 2.  
1622. they were joined by two other ships. Returning with this re-inforcement; they attacked the Portuguese, and, after an indecisive action, entered the port. The Portuguese retired to Ormus, but, after refitting, came back for revenge. An obstinate conflict ensued, in which the English were victorious over a vast superiority of force. Such an event was calculated to produce a great impression on the minds of the Persians.

The English and Persians agreed to attack with joint forces the Portuguese on the island of Ormus, which that nation in the days of its prosperity had seized and fortified. The English furnished the naval, the Persians the military force; and the city and castle were taken on the 22d of April, 1622. For this service the English received part of the plunder of Ormus, and a grant of half the customs at the port of Gombroon; which became their principal station in the Persian gulf. The agents of the Company at Bantam, who were already vested with the superb title of President and Conneil, and with a sort of control over the other factories, condemned this enterprise; as depriving them of the ships and effects, so much required to balance the power, and restrain the injustice, of the Dutch.

The domestic proceedings of the Company at this period were humble. In 1621-22, they were able to fit out only four ships, supplied with 12,900*l.* in gold and silver, and 6,253*l.* in goods; the following year, they sent five ships, 61,600*l.* in money, and 6,430*l.* in goods; in 1623-24, they equipped seven vessels, and furnished them with 68,720*l.* in money, and 17,340*l.* in goods. This last was a prosperous year

to the domestic exchequer. Five ships arrived from India with cargoes, not of pepper only, but of all the finer spices, of which, notwithstanding the increasing complaints against the Dutch, the Company's agents had not been prevented from procuring an assortment. The sale of this part alone of the cargoes amounted to 485,593*l.*; that of the Persian raw silk to 97,000*l.*; while 80,000*l.* in pursuance of the treaty of 1619, was received as compensation money from the Dutch.<sup>1</sup>

BOOK I.  
CHAP. 2.  
1622.

Other feelings were the result of demands by the King, and by the Duke of Buckingham, Lord High Admiral, of shares, to the one as droits of the crown, to the other as droits of the admiralty, of the prize money, gained by the various captures of the Company, particularly that of Ormus. The Company, who deemed it prudent to make little opposition to the claims of the King, objected, as not having acted under letters of marque from the Admiral, but under their own charter, to those of the Duke of Buckingham. The question was referred to the Judge of the Admiralty court; witnesses were examined to ascertain the amount of the prize money, which was estimated at 100,000*l.* and 240,000 reals of eight. The Company urged the expense of their equipments, the losses they had sustained, the detriment to their mercantile concerns, by withdrawing their ships from commerce to war. All possible modes of solicitation to the King and the Admiral were employed; but the desire for their money was stronger than their interest. Buckingham, who knew they must lose their voyage, if the season for sailing was passed, made their ships be detained; and the Company, to escape this calamity, were glad of an accommodation. The Duke agreed to accept of 10,000*l.*, which he

<sup>1</sup> Accounts in the Indian Register Office. Bruce i. 225, 234, 241.

<sup>2</sup> East India Papers in the State Paper Office. Bruce, i. 241.

BOOK I. received. A like sum was demanded for the King,  
 ЧАП. 2 but there is no direct evidence that it ever was paid.

1623. The animosities, between the English and Dutch, were now approaching to a crisis in the islands. The English complained of oppression, and were so weak, as to find themselves at the mercy of their rivals. They represented that, in the execution of the joint articles of the treaty, they were charged with every item of expense, though their voice was entirely disregarded in the disposal of the money, in the employment of the naval and military force, and even in the management of the trade; that, instead of being admitted to their stipulated share of the spice commerce, they were almost entirely extruded from it; and that, 'under the pretext of a conspiracy, the Dutch had executed great numbers of the natives at Banda, and reduced Polaroon to a desert.' At last arrived that event, which made a deep and lasting impression on the minds of Englishmen. In February, 1623, Captain Towerson and nine Englishmen, nine Japanese, and one Portuguese sailor, were seized at Amboyna, under the accusation of a conspiracy to surprise the garrison, and to expel the Dutch; and, being tried, were pronounced guilty, and executed. The accusation was treated by the English as a mere pretext, to cover a plan for their extermination. But the facts of an event, which roused extreme indignation in England, have never been exactly ascertained. The nation, whose passions were kindled, was more disposed to paint to itself a scene of atrocity, and to believe whatever could inflame its resentment, than to enter upon a rigid investigation of the case. If it be

1 The Dutch, in their vindication, stated that the English intrigued with the Portuguese, and underhand assisted the natives in receiving the Portuguese into the islands. See Anderson's *History of Commerce*, in Macpherson's *Annals*, ii. 305.

improbable, however, on the one hand, that the English, whose numbers were small, and by whom ultimately so little advantage could be gained, were really guilty of any such design as the Dutch imputed to them; it is on the other hand equally improbable that the Dutch, without believing them to be guilty, would have proceeded against them by the evidence of a judicial trial. Had simple extermination been their object, a more quiet and safe expedient presented itself: they had it in their power at any time to make the English disappear, and to lay the blame upon the natives. The probability is, that, from certain circumstances, which roused their suspicion and jealousy, the Dutch really believed in the conspiracy, and were hurried on, by their resentments and interests, to bring the helpless objects of their fury to a trial; that the judges before whom the trial was conducted, were in too heated a state of mind to see the innocence, or believe in any thing but the guilt, of the accused; and that in this manner the sufferers perished. Enough, assuredly, of what is hateful may be found in this transaction, without supposing the spirit of demons in beings of the same nature with ourselves, men reared in a similar state of society, under a similar system of education, and a similar religion. To bring men rashly to a trial whom a violent opposition of interests has led us to detest, rashly to believe them criminal, to decide against them with minds too much blinded by passion to discern the truth, and to put them to death without remorse, are acts of which our own nation, or any other, would have been then, and would still be, too ready to be guilty. Happy would it be, how trite soever the reflection, if nations, from the scenes which excite their indignation against others, would learn temper and forbearance in cases where they become the actors themselves!

One of the circumstances, the thought of which most strongly incited the passions of the English, was the application of the torture. This, however, according to the Civil Law, was an established and regular part of judicial inquiry. In all the kingdoms of continental Europe, and Holland among the rest, the torture was a common method of extorting evidence from supposed criminals, and would have been applied by the Dutch judges to their own countrymen. As both the Japanese, who were accused of being accessaries to the imputed crime, and the Englishmen themselves, made confession of guilt under the torture, this, however absurd and inhuman the law, constituted legal evidence in the code of the Dutch, as well as in the codes of all the other continental nations of Europe. By this, added to other articles of evidence which would have been insufficient without it, proof was held to be completed; and death, in all capital cases, authorized and required. This was an ancient and established law; and as there are scarcely any courses of oppression to which Englishmen cannot submit, and which they will not justify and applaud, provided only it has ancient and established law for its support, they ought, of all nations, to have been the most ready to find an excuse and apology for the Dutch.<sup>1</sup> From the first moment

<sup>1</sup> The English had not been so long strangers to the torture themselves, that it needed to excite in their breasts any emotions of astonishment. "The rack itself," says Hume in his History of Elizabeth, v. 457, "though not admitted in the ordinary execution of justice, was frequently used upon any suspicion, by authority of a warrant from a secretary or the Privy Council. Even the Council in the Marches of Wales were empowered, by their very commission, to make use of torture whenever they thought proper. There cannot be a stronger proof how lightly the rack was employed, than the following story, told by Lord Bacon. We shall give it in his own words. 'The Queen was mightily incensed against Haywarde, on account of a book he dedicated to Lord Essex, thinking it a seditious prelude to put into the people's

of acting upon the treaty, the Dutch had laid it down, as a principle, that, at all the places where they had erected fortifications, the English should be subject to the Dutch laws; and though the English had remonstrated, they had yet complied.

BOOK I.  
CHAP. 2.  
1624.

It was in vain, that the English President and Council at Java, on hearing of the massacre, as they called it, remonstrated in terms of the utmost indignation, and even intimated their design of withdrawing from the island. In their representations to the Court of Directors at home, they declared, what might have been seen from the beginning, that it was

head boldness and faction: [*to our apprehension, says Hume, Haywarde's book seems rather to have a contrary tendency; but Queen Elizabeth was very difficult to please on that head.*] She said, she had an opinion that there was treason in it, and asked me if I could not find any places in it, that might be drawn within the case of treason? . . . . . Another time when the Queen could not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author, she said, with great indignation, that she would have him racked to produce his author.' . . . . . Thus, continues Hume, "had it not been for Bacon's humanity, or rather his wit, this author, a man of letters, had been put to the rack for a most innocent performance."—The truth is, that the Company themselves, at this very time, were in the regular habit of perpetrating tortures upon their own countrymen; and even their own servants—of torturing to death by whips or famine. Captain Hamilton (New Account of the East Indies, i. 362,) informs us, that before they were intrusted with the powers of martial law, having no power to punish capitally any but pirates, they made it a rule to whip to death, or starve to death, those of whom they wished to get rid. He produces (Ib. 376,) an instance of a deserter at Fort St. George, "whipt," as he expresses it, "out of this world into the next." The power too, of executing as for piracy, the same author complains, was made use of to murder many private traders. "That power (he says, Ib. 362,) of executing pirates is so strangely stretched, that if any private trader is injured by the tricks of a Governor, and can find no redress—if the injured person is so bold as to talk of *lex talionis*, he is infallibly declared a pirate." He gives an account of an attempt of an agent of the Company, and a creature of the Governor of Fort St. George, to swear away his life by perjury at Siam, (Ib. ii. 183.)—These parallels are presented, not for the sake of clearing the one party at the expense of the other; but, by showing things as they were, to give the world at last possession of the real state of the case.

BOOK I.  
CHAP. 2.

1624.

impossible to trade on a combination of interests with the Dutch; and that negotiation being fruitless, nothing but a force in the islands, equal to that of their rivals, could ensure to their countrymen a share of the trade.

When the news of the execution at Amboyna arrived in England, the people, whose minds had been already inflamed against the Dutch, by continual reports of injustice to their countrymen, were kindled into the most violent combustion. The Court of Directors exerted themselves to feed the popular fury. They had a hideous picture prepared, in which their countrymen were represented expiring upon the rack, with all the most shocking expressions of horror and agony in their countenance and attitudes, and all the most frightful instruments of torture applied to their bodies. The press teemed with publications, which enlarged upon the horrid scene at Amboyna; and to such a degree of rage were the populace excited, that the Dutch merchants in London became alarmed, and applied to the Privy Council for protection. They complained of the inflammatory publications; more particularly of the picture, which, being exposed to the people, had contributed to work them up to the most desperate resolutions. The Directors, when called before the Privy Council to answer these complaints, denied that they had any concern with the publications, but acknowledged that the picture was produced by their order, and was intended to be preserved in their house as a perpetual memorial of the cruelty and treachery of the Dutch. The Directors were aware that the popular tide had reached the table of the council room, and that they had nothing to apprehend from confessing how far they had been instrumental in raising the waters.<sup>1</sup>

<sup>1</sup> *East India Papers in the State Paper Office.* Bruce, i. 256.

Application was made to the King, to obtain signal reparation from the Dutch government, for so great a national insult and calamity. The whole nation was too violently agitated to leave any suspicion that the application could be neglected. A commission of inquiry was formed of the King's principal servants, who reported in terms, confirming the general belief and indignation; and recommended an order, which was immediately issued, for intercepting and detaining the Dutch East India fleets, till satisfaction was obtained. With great gravity the Dutch government returned for answer; that they would send orders to their Governor General in the Indies to permit the English to retire from the Dutch settlements without paying any duties; that all disputes might be referred to the Council of Defence; that the English might build forts for the protection of their trade, provided they were at the distance of thirty miles from any fort of the Dutch; that the "administration, however, of politic government, and particular jurisdiction, both civil and criminal, at all such places as owe acknowledgment to the Dutch," should remain wholly in their hands; and that to the Dutch belonged the exclusive right to the Moluccas, Bandas, and Amboyna.<sup>1</sup>

This was an undisguised assumption of all the rights for which their subjects were contending in India. It is remarkable enough that the English East India Company, who were highly dissatisfied with the other parts of this answer, declared their acceptance of the first article, which permitted their servants to retire from the Dutch settlements. And here, for the present, the matter rested.

In 1624, the Company applied, by petition, to the



BOOK I. King, for authority to punish their servants abroad,  
 CHAP. 2. by martial, as well as municipal law. It appears not  
 1625. that any difficulty was experienced in obtaining their  
 request; or that any parliamentary proceeding, for  
 transferring unlimited power over the lives and for-  
 tunes of the citizens, was deemed even a necessary  
 ceremony. This ought to be regarded as an era in  
 the history of the Company.<sup>1</sup>

In the year 1624-5, the Company's voyage to India consisted of five ships; but of the amount of the capital with which they were supplied, no account, it should seem, remains. In 1625-26, it consisted of six ships: and in 1626-27, of seven; farther information wanting as before.<sup>2</sup> In the last of these years, we gain the knowledge, collaterally, of one of those important facts, in the Company's history, which it has been their sedulous care to preserve concealed, except when some interest, as now, was to be served by the disclosure. Sir Robert Shirley, who had been ambassador at the court of Persia, made application to the King and Council to order the East India Company to pay him 2000*l.* as a compensation for his exertions and services in procuring them a trade with Persia. The Company, beside denying the pretended services, urged their inability to pay; stating that they had been obliged to contract so large a debt as 200,000*l.*; and that their stock had fallen to 20 per cent. discount, shares of 100*l.* selling for no more than 80*l.*<sup>3</sup>

The Company's Persian trade was not prosperous, under the caprice and extortions of the Persian magistrates. At Java their agents, tired out with the mortifications and disasters to which they were ex-

<sup>1</sup> Bruce, i. 252.

<sup>2</sup> *Ib.* 252, 265, 271.

<sup>3</sup> East India Papers in the State Paper Office. Bruce, i. 272

posed from the Dutch, retired to the island of Lagundy, in the Straits of Sunda; having abandoned both Bantam and Jacatra, at which the Dutch, under the name of Batavia, had now established their principal seat of government. The island of Lagundy was found to be so unhealthy, that, in less than a year, the imprudent English were anxious to return. Their distress was so great, that out of 250 individuals 120 were sick; and they had not a crew sufficient to navigate a ship to any of the English factories. In these circumstances the Dutch lent them assistance, and brought them back to Batavia.<sup>1</sup> On the coast of Coromandel some feeble efforts were continued. The Company had established factories at Masulipatam and Pullicat; but the rivalry of the Dutch pursued and obliged them to relinquish Pullicat. In 1624-5, they projected an establishment in the kingdom of Tanjore, but were opposed by a new rival, the Danes. At Armegum, however, situated a little to the south of Nellore, they purchased, in the succeeding year, a piece of ground from the chief of the district; erected and fortified a factory; and, suffering oppression from the native government at Masulipatam, they withdrew the factory in 1628, and transferred it to Armegum.<sup>3</sup>

Shortly after the first application to James on account of the injury at Amboyna, that monarch died. In 1627-8, the application was renewed to Charles; and three large Dutch Indiamen from Surat, which put into Portsmouth, were detained. The Company, watching the decline of the royal authority, and the growing power of the House of Commons, were not satisfied with addressing the King, but in the year following presented, for the

<sup>1</sup> Bruce, i. 262, 264, 268.<sup>2</sup> Bruce, i. 264, 269, 290.

BOOK I. first time, a memorial to the Commons. They re-  
 CHAP. 2. presented that, by their failure in the spice trade, and  
 1628. the difficulties they experienced in opening a trade

for wove goods on the coast of Coromandel, they were nearly driven from all their factories; and assigned as causes, partly the opposition of the native powers, but chiefly the hostility of the Dutch. The narrowness of their own funds, and their unskilful management, by the negligent Directors of a joint-stock, far more powerful causes, they overlooked or suppressed. They set forth, however, the merits of the Company, as towards the nation, in terms repeated to the present day: they employed many seamen: they exported much goods, as if the capital they employed would have remained idle; as if it would not have maintained seamen, would not have exported goods, had the East India Company, or East India traffic, never existed.<sup>1</sup>

The detention of the ships, and the zeal with which the injury seemed now to be taken up in England, produced explanation and remonstrance on the part of the 'Dutch: They had appointed judges to take cognizance of the proceedings at Amboyna, even before the parties had returned from Europe: Delay had arisen, from the situation of the judges on whom other services devolved, and from the time required to translate documents written in a foreign tongue: The detention of the ships, the property of private individuals altogether unconcerned with the transaction, might bring unmerited ruin on them, but could not accelerate the proceedings of the judges; on the other hand, by creating national indignation, it would only tend to unfit them for a sober and impartial in-

<sup>1</sup> Bruce, i. 276, 277, 282. Anderson in Macpherson's Annals, ii. 351.

quiry : And were the dispute allowed, unfortunately, to issue in war, however the English in Europe might detain the fleets of the Dutch, the English Company must suffer in India far greater evils than those of which they were now seeking the redress. At last, on a proposal that the States should send to England commissioners of inquiry, and a promise that justice should be speedily rendered, the ships were released. It was afterwards recommended by the ministry, that the East India Company should send over witnesses to Holland to afford evidence before the Dutch tribunal ; but to this the Company objected, and satisfaction was still deferred.<sup>1</sup>

In 1627-28, the Company provided only two ships and a pinnace for the outward voyage. They deemed it necessary to assign reasons for this diminution ; dreading the inferences which might be drawn : They had many ships in India which, from the obstructions of the Dutch, and the state of their funds, had been unable to return : Though the number of ships was small ; the stock would be large, 60,000*l.* or 70,000*l.* in money and goods : And they hoped to bring home all their ships richly laden the following year. In 1628-29, five ships went out ; two for the trade with India, and three for that with Persia ; and though no account is preserved of the stock with which they were supplied, a petition to the King remains for leave to export 60,000*l.* in gold and silver in the ships destined to Persia. In the succeeding year four ships were sent to Persia, and none to India. Of the stock which they carried with them no account is preserved.<sup>2</sup>

As the sums in gold and silver, which the Company had for several years found it necessary to ex-

<sup>1</sup> Bruce, i. 285, 287.

<sup>2</sup> Ib. i. 278, 293.

BOOK I.  
CHAP. 2

1629.

port, exceeded the limits to which they were confined by the terms of their charter, they had proceeded annually upon a petition to the king, and a special permission. It was now, however, deemed adviseable to apply for a general license, so large, as would comprehend the greatest amount which on any occasion it would be necessary to send. The sum for which they solicited this permission was 80,000*l.* in silver, and 40,000*l.* in gold; and they recommended, as the best mode of authenticating the privilege, that it should be incorporated in a fresh renewal of their charter; which was accordingly obtained.<sup>1</sup>

Notwithstanding the terms on which the English stood with the Dutch, they were allowed to re-establish their factory at Bantam after the failure of the attempt at Lagundy: a war in which the Dutch were involved with some of the native princes of the island lessened, perhaps, their disposition or their power to oppose their European rivals. As Bantam was now a station of inferior importance to Surat, the government of Bantam was reduced to an agency, dependent upon the Presidency of Surat, which became the chief seat of the Company's government in India. Among the complaints against the Dutch, one of the heaviest was, that they sold European goods cheaper, and bought Indian goods dearer, at Surat, than the English; who were thus expelled from the market. This was to complain of competition, the soul of trade. If the Dutch sold so cheap and bought so dear, as to be losers, all that was necessary was a little patience on the part of the English. The fact was, that the Dutch, trading on a larger capital, and with more economy, were perfectly able to outbid the English both in purchase and sale.

The English at Surat had to sustain at this time not only the commercial rivalry of the Dutch, but also a powerful effort of the Portuguese to regain their influence in that part of the East. The Viceroy at Goa had in April, 1630, received a reinforcement from Europe of nine ships and 2,000 soldiers, and projected the recovery of Ormus. Some negotiation to obtain the exclusive trade of Surat was tried in vain with the Mogul Governor; and in September an English fleet of five ships endeavoured to enter the port of Swally. A sharp, though not a decisive, action, was fought. The English had the advantage; and, after sustaining several subsequent skirmishes, and one great effort to destroy their fleet by fire, succeeded in landing their cargoes.<sup>1</sup>

BOOK I.  
CHAP. 2.

1630.

Bruce i. 296, 304, 300, 302.

## CHAP. III.

*From the Formation of the third Joint-stock, in 1632, till the Coalition of the Company with the Merchant Adventurers in 1657.*

BOOK I  
CHAP 3  
1632. IN 1631-32, a subscription was opened for a third joint-stock. This amounted to 420,700*l*.<sup>1</sup> Still we are left in darkness with regard to some important circumstances. We know not in what degree the capital which had been placed in the hands of the Directors by former subscriptions had been repaid; not even if any part of it had been repaid, though the Directors were now without funds to carry on the trade.

With the new subscription, seven ships were fitted out in the same season; but of the money or goods embarked no account remains. In 1633-34, the fleet consisted of five ships; and in 1634-35, of no more than three, the money or goods in both cases unknown.<sup>2</sup>

During this period, however, some progress was made in extending the connexions of the Company with the eastern coast of Hindustan. It was thought advisable to replace the factory at Masulipatam not long after it had been removed; and certain privileges, which afforded protection from former grievances, were obtained from the King of Golconda, the sovereign of the place. Permission was given by the Mogul Emperor to trade to Piplej in Orissa; and a

<sup>1</sup> Papers in the Indian Register Office Sir Jeremy Sambrooke's Report on the East India Trade Bruce, i 306.

<sup>2</sup> Bruce, i 306, 320, 323.

factor was sent from Maſulipatam. For the more commodious government of these stations, Bantam was again raised to the rank of a Presidency, and the eastern coast was placed under its jurisdiction. Despairing of success in the contest with the Dutch for the trade of the islands, the Company had, for some time, dispatched their principal fleets to Surat; and the trade with this part of India and with Persia now chiefly occupied their attention. From servants at a vast distance, and the servants of a great and negligent master, the best service could not easily be procured. For this discovery the Directors were indebted, not to any sagacity of their own, but to a misunderstanding among the agents themselves; who, betraying one another, acknowledged that they had neglected the affairs of their employers to attend to their own; and, while they pursued with avidity a private trade for their private benefit, had abandoned that of the Company to every kind of disorder.<sup>1</sup>

As pepper was a product of the Malabar coast, a share was sought in the trade of that commodity, through a channel, which the Dutch would not be able to obstruct: A treaty was concluded, between the English and Portuguese, in 1634-35, and confirmed with additional articles the following year, in which it was ordained that the English should have free access to the ports of the Portuguese, and that the Portuguese should receive from the English factories the treatment of friends.<sup>2</sup>

The Company, like other unskilful, and for that reason unprosperous, traders; had always competitors, of one description or another, to whom they ascribed their own want of success. For several years they had spoken with loud condemnation of the clandestine

<sup>1</sup> Bruce, i. 306, 320, 324, 327.

<sup>2</sup> Ib. 325, 334.



BOOK I.  
CHAP. 3.

trade carried on by their own servants; whose profits, they said, exceeded their own. Their alarms, with regard to their exclusive privilege, had for some time been sounded; and would have been sounded much louder, but for the ascendancy gained by the sentiments of liberty, the contentions between Charles and his parliament being already high; and the fear that their monopoly would escape the general wreck, with which institutions at variance with the spirit of liberty were threatened, only if its pretensions were prudently kept in the shade. The controversy, whether monopolies, and among others that of the Company, were injurious to the wealth and prosperity of the nation, had already employed the press: but, though the Company had entered boldly enough into the lists of argument, they deemed it their wisest course, at the present conjuncture, not to excite the public attention, by any invidious opposition to the infringements which private adventure was now pretty frequently committing on their exclusive trade.

An event at last occurred which appeared to involve unusual danger. A number of persons, with Sir William Courten at their head, whom the new arrangements with the Portuguese excited to hopes of extraordinary profit, had the art, or the good fortune, to engage in their schemes Endymion Porter, Esq, a gentleman of the bedchamber to the King, who prevailed upon the sovereign himself to accept of a share in the adventure, and to grant his licence for a new association to trade with India. The preamble to the licence declared that it was founded upon the misconduct of the East India Company, who had accomplished nothing for the good of the nation, in proportion to the great privileges they had obtained, or even to the funds of which they had disposed. This was probably, the general opinion of the nation; nothing

less seeming necessary to embolden the King to such a violation of their charter. Allowing the contrariety to the interests of the nation, the consequences were not so ruinous, but that the stipulated notice of three years might have been given, and a legal end been put to the monopoly. The Company petitioned the King, but without success. They sent, however, instructions to their agents and factors in India, to oppose the interlopers, at least indirectly. An incident occurred of which they endeavoured to avail themselves to the utmost. One of their ships from Surat reported that a vessel of Courten's had seized and plundered two junks belonging to Surat and Diu, and put the crews to the torture. The latter part at least of the story was, in all probability, forged; but the Directors believed, or affected to believe, the whole. In consequence of the outrage, the English President and Council at Surat had been imprisoned, and the property of the factory confiscated to answer for the loss. A memorial was presented to the King, setting forth in the strongest terms, the injuries which the Company sustained by the license to Courten's Association, and the ruin which threatened them unless it were withdrawn. The Privy Council, to whom the memorial was referred, treated the facts alledged, as little better than fabrication, and suspended the investigation till Courten's ships should return.<sup>1</sup>

The arrival of Courten's ships at Surat seems to have thrown the factory into the greatest confusion. It is stated as the cause of a complete suspension of trade on the part of the Company, for the season, at that principal seat of their commercial operations.<sup>2</sup> The inability early and constantly displayed by the

<sup>1</sup> Bruce, i. 329, 387.

<sup>2</sup> Ib. 342.

BOOK I  
CHAP. 3  
1637. Company to sustain even the slightest competition is a symptom of inherent infirmities.

In 1637-38, several of Courten's ships returned, and brought home large investments, which sold with an ample profit to the adventurers. The fears and jealousies of the Company were exceedingly raised. They presented to the crown a petition for protection; placing their chief reliance, it should seem, on the lamentable picture of their own distresses. Their remonstrance was, however, disregarded; a new licence was extended to Courten's Association, continuing their privileges for five years; and, to form a line between them and the Company, it was ordained, that neither should they trade at those places where the Company had factories, nor the Company trade at any places at which Courten's Association might have erected establishments.<sup>1</sup>

The Directors, as if they abandoned all other efforts for sustaining their affairs, betook themselves to complaint and petition.<sup>2</sup> They renewed their addresses to the throne: They dwelt upon the calamities which had been brought upon them by competition; first, that of the Dutch, next that of Courten's Association: They endeavoured to pique the honour of the King, by reminding him that the redress which he had demanded from the States General had not been received: And they desired to be at least distinctly informed what line of conduct in regard to their rivals they were required to pursue. The affairs of the King were now at a low ebb; and this may account in part for the tone which the Company assumed with him. A committee of the Privy Council, was formed to inquire into their

<sup>1</sup> Bruce, i 345, 349

<sup>2</sup> Ib 349, 350, 353.

complaints; and had instructions to inquire among other particulars, into the means of obtaining reparation from the Dutch, and of accomplishing a union between the Company and Courten's Association. One thing is remarkable, because it shows the unfavourable opinion, held by that Privy Council, of the mode of trading to India by a joint-stock Company: The committee were expressly instructed, "to form regulations for this trade, which might satisfy the noblemen and gentlemen who were adventurers in it; and to vary the principle on which the India trade had been conducted, or that of a general joint-stock, in such a manner as to enable each adventurer to employ his stock to his own advantage, to have the trade under similar regulations with those observed by the Turkey and other English Companies."<sup>1</sup>

BOOK I.  
CHAP. 3.  
1638.

The committee of the Privy Council seem to have given themselves but little concern about the trust with which they were invested. No report from them ever appeared. The Company continued indefatigably pressing the King, by petitions and remonstrances. At last they affirmed the necessity of abandoning the trade altogether, if the protection was not afforded for which they prayed. And now their importunity prevailed. On the condition that they should raise a new joint-stock, to carry on the trade on a sufficient scale, it was agreed that Courten's license should be withdrawn.<sup>2</sup>

On this occasion we are made acquainted incidentally with an important fact; that the Proprietors of the third joint-stock had made frequent but unavailing calls upon the Directors to close that concern, and bring home what belonged to it in India.<sup>3</sup> For the first time, we learn that payment was demanded of

<sup>1</sup> Bruce, 353, 354.

<sup>2</sup> *Ib.* i. 355, 361, 362.

<sup>3</sup> *Ib.* 363.

BOOK I.  
CHAP. 3.

the capital of those separate funds, called the joint-stocks of the Company. Upon this occasion a difficult question might have presented itself. It might have been disputed to whom the immoveable property of the Company, in houses and in lands, both in India and in England, acquired by parts indiscriminately, of all the joint-stocks, belonged. Amid the confusion which pervaded all parts of the Company's affairs, this question had not begun to be agitated: but to encourage subscription to the new joint-stock, it was laid down as a condition, "That, to prevent inconvenience and confusion, the old Company or adventurers in the third joint-stock should have sufficient time allowed for bringing home their property, and should send no more stock to India, after the month of May."<sup>1</sup> It would thus appear, that the Proprietors of the third joint-stock and by the same rule the Proprietors of all preceding stock, were without any scruple, to be deprived of their share in what is technically called the *dead stock* of the Company, though it had been wholly purchased with their money. There was another condition, to which inferences of some importance may be attached; the subscribers to the new stock were themselves, in a general court, to elect the Directors to whom the management of the fund should be committed, and to renew that election annually.<sup>2</sup> As this was a new Court of Directors, entirely belonging to the fourth joint-stock, it seems to follow that the Directors in whose hands the third joint-stock had been placed, must still have remained in office, for the winding up of that concern. And, in that case, there existed, to all intents and purposes, two

<sup>1</sup> Preamble to a subscription for a new joint-stock for trade to the East Indies, 28th January, 1640, (East India Papers in the State Paper Office,) Bruce, i. 564.

<sup>2</sup> *Ib.*

East India Companies, two separate bodies of Proprietors, and two separate Courts of Directors, under one charter.

BOOK I.  
CHAP. 3.

1642.

So low, however, was the credit of East India adventure, under joint-stock management, now reduced, that the project of a new subscription almost totally failed. Only the small sum of 22,500*l.* was raised. Upon this a memorial was presented to the King, but in the name of whom; whether of the new subscribers, or the old; whether of the Court of Directors belonging to the old joint-stock, or of a Court of Directors chosen for the new, does not appear. It set forth a number of unhappy circumstances, to which was ascribed the distrust which now attended joint-stock adventures to India; and it intimated, but in very general terms, the necessity of encouragement, to save that branch of commerce from total destruction.

In the mean time a heavy calamity fell upon the Proprietors of the third joint-stock. The King having resolved to draw the sword for terminating the disputes between him and his people; and finding himself destitute of money; fixed his eyes, as on the most convenient mass of property within his reach, on the magazines of the East India Company. A price being named, which was probably a high one, he bought upon credit the whole of their pepper, and sold it again at a lower price for ready money.<sup>1</sup> Bonds, four in number, one of which was promised to be paid every six months, were given by the farmers of the customs and Lord Cottington for the amount; of which only a small portion seems ever to have been paid. On a pressing application, about the beginning of the year 1642, it was stated, that 13,000*l.* had

<sup>1</sup> See Bruce, i. 371. The quantity was, 607, 522 bags, bought at 2*s.* 1*d.* per pound, total 63,283*l.* 11*s.* 1*d.*; sold at 1*s.* 8*d.* per pound; total 50,626*l.* 17*s.* 1*d.*

BOOK I  
CHAP. 3

1642.

been allowed them out of the duties they owed; the remainder the farmers declared it to be out of their power to advance. A prayer was presented that the customs, now due by them, amounting to 12,000*l.*, might be applied 'in liquidation of the debt; but for this they were afterwards pressed by the parliament. The King exerted himself to protect the parties who stood responsible for him; and what the Company were obliged to pay to the parliament, or what they succeeded in getting from the King or his sureties, no where appears.<sup>1</sup>

About the period of this abortive attempt to form a new joint-stock, a settlement was first effected at Madras; the only station as yet chosen, which was destined to make a figure in the future history of the Company. The desire of a place of strength on the coast of Coromandel, as a security both to the property of the Company and the persons of their agents, had suggested, some years ago, the fortification of Armegum. On experience, Armegum was not found a convenient station for providing the piece goods,<sup>2</sup> for which chiefly the trade to the coast of Coromandel was pursued. In 1740-41, the permission of the local native chief to erect a fort at Madraspatam was, therefore, eagerly embraced. The works were begun, and the place named Fort St. George; but the measure was not approved by the Directors.<sup>3</sup>

Meanwhile the trade was languishing, for want of funds. The agents abroad endeavoured to supply, by loans, the failure of receipts from home.<sup>4</sup>

An effort was made in 1642-43 to aid the weakness of the fourth joint-stock by a new subscription. Tho

<sup>1</sup> Bruce, i. 379, 380

<sup>2</sup> *Piece goods* is the term which, latterly at least, has been chiefly employed by the Company and their agents to denote the muslins and woollen goods of India and China in general

<sup>3</sup> Bruce, i. 377, 393

<sup>4</sup> *Ib* 385

sum produced was 105,000*l.*; but whether including BOOK I.  
or not including the previous subscription does not CHAP. 3.  
appear. This was deemed no more than what was  
requisite for a single voyage: of which the Company  
thought the real circumstances might be concealed  
under a new name. They called it, the *First General  
Voyage*.<sup>1</sup> Of the amount, however, of the ships, or  
the distribution of the funds, there is no information on  
record. For several years, from this date, no account  
whatever is preserved of the annual equipments of the  
Company. It would appear from instructions to the  
agents abroad, that, each year, funds had been sup-  
plied; but from what source is altogether unknown.  
The instructions sufficiently indicate that they were  
small; and for this the unsettled state of the country,  
and the distrust of Indian adventure, will sufficiently  
account.

1648.

In 1644, the Dutch followed the example of the  
English in forming a convention with the Portuguese  
at Goa. Though it is not pretended that in this any  
partiality was shown to the Dutch, or any privilege  
granted to them which was withheld from the English,  
the Company found themselves, as usual, unable to  
sustain competition, and complained of this convention  
as an additional source of misfortune.<sup>2</sup>

In 1647-48, when the power of the parliament was  
supreme, and the King a prisoner in the Isle of Wight,  
a new subscription was undertaken, and a pretty  
obvious policy was pursued. Endeavours were used  
to get as many as possible of the members of parlia-  
ment to subscribe. If the members of the ruling body  
had a personal interest in the gains of the Company,  
its privileges would not fail to be both protected and  
enlarged. An advertisement, which fixed the time

<sup>1</sup> Bruce, 389, 390.<sup>2</sup> *Ib.* 407, 412, 423.



beyond which ordinary subscribers would not be received, added, that, in deference to members of parliament, a further period would be allowed to them, to consider the subject, and make their subscriptions.<sup>1</sup>

It appears not that any success attended this effort; and in 1649-50, the project of completing the fourth joint-stock was renewed, partly as a foundation for an application to the Council of State, partly in hopes that the favours expected from the Council would induce the public to subscribe.<sup>2</sup>

In the memorial, presented on this occasion to the ruling powers, Courten's Association was the principal subject of complaint. The consent of the King, in 1639, to withdraw the license granted to those rivals, had not been carried into effect; nor had the condition on which it had been accorded, that of raising a respectable joint-stock, been fulfilled. The destruction, however, to which the Association of Courten saw themselves at that time condemned, deprived them of the spirit of enterprise: with the spirit of enterprise, the spirit of vigilance naturally disappeared: their proceedings from the time of this condemnation had been feeble and unprosperous: but their existence was a grievance in the eyes of the Company; and an application which they had recently made for permission to form a settlement on the island of Assada, near Madagascar, kindled anew the Company's jealousies and fears. What the Council proposed to both parties was, an agreement. But the Assada merchants, so Courten's Association were now denominated, regarded joint-stock management with so much aversion, that, low as the condition was to which they had fallen, they preferred a separate trade on their own funds to incorporation

<sup>1</sup> Bruce . 423.

<sup>2</sup> Ib. 434.

with the Company.<sup>1</sup> To prove, however, their desire of accommodation, they proposed certain terms, on which they would submit to forego the separate management of their own affairs. •

BOOK I.  
CHAP. 3.  
1650.

Objections were offered on the part of the Company ; but, after some discussion, a union was effected, nearly on the terms which the Assada merchants proposed.<sup>2</sup> Application was then made for an act to confirm and regulate the trade. The parliament passed a resolution, directing it to be carried on by a joint-stock ; but suspending for the present all further decision on the Company's affairs.<sup>3</sup> A stock was formed, which, from the union recently accomplished, was denominated *the united joint-stock* ; but in what manner raised, or how great the sum, is not disclosed. All we know for certain is, that two ships were fitted out in this season, and that they carried bullion with them to the amount of 60,000*l*.<sup>4</sup>

The extreme inconvenience and embarrassment which arose from the management, by the same agents, in the same trade, of a number of separate capitals, belonging to separate associations, began now to make themselves seriously and formidably felt. From each of the presidencies complaints arrived of the difficulties, or rather the impossibilities, which they were required to surmount ; and it was urgently recommended to obtain, if it were practicable, an act of parliament to combine the whole of these separate stocks.<sup>5</sup> Under this confusion, we have hardly any information respecting the internal transactions of the company at home. We know not so much as how the Courts of Directors were formed ; whether there was a body of Directors for each separate fund, or only one body for the whole ;

<sup>1</sup> Bruce, i. 435. 436.

<sup>2</sup> *Ib.* 437, 438.

<sup>3</sup> *Ib.* 439, 440,

<sup>4</sup> *Ib.* 440.

<sup>5</sup> *Ib.* 441.

BOOK I. and if only one Court of Directors, whether they  
 CHAP 3 were chosen by the voices of the contributors to all  
 1652. the separate stocks, or the contributors was held, the  
 whether, when a Court of Proprietors met in one body, or  
 owners of all the separate funds met by themselves,  
 the owners of each separate fund met by themselves,  
 for the regulation of their own particular concern.<sup>1</sup>

In 1551-52, the English obtained in Bengal the  
 first of those peculiar privileges, which were the fore-  
 runners of their subsequent power. Among the  
 persons belonging to the factories, whom there was  
 occasion to send to the Imperial Court, it happened  
 that some were surgeons; one of whom is particu-  
 larly named, a gentleman of the name of Boughton.  
 Obtaining great influence, by the cures which they  
 effected, they employed their interest in promoting  
 the views of the Company. Favourable circum-  
 stances were so well improved, that, on the payment  
 of 3000 rupees, a government license for an unh-  
 limited trade, without payment of customs, in the  
 richest province of India, was happily obtained.<sup>2</sup>

On the Coromandel coast, the wars, which then  
 raged among the natives, rendered commerce difficult  
 and uncertain; and the Directors were urged by the  
 agent at Madras, to add to the fortifications. This  
 they refused, on the ground of expence. As it was  
 inconvenient, however, to keep the business of this  
 coast dependant on the distant settlement of Bantam,  
 Fort St. George was erected into a presidency in  
 1653-54.<sup>3</sup>

<sup>1</sup> If we hear of committees of the several stocks, the bodies of Di-  
 rectors were denominated committees. And if there were committees  
 of the several stocks, how were they constituted? were they committees  
 of Proprietors, or committees of Directors? And were there any ma-  
 nagers or Directors besides?

<sup>2</sup> Bruce, i 106, 463

<sup>3</sup> Ib 451, 462, 461

When the disputes began, which ended in hostilities between Cromwell and the Dutch, the Company deemed it a fit opportunity to bring forward those claims of theirs which, amid the distractions of the government, had lain dormant for several years. The war which succeeded, favourable to the British arms in Europe, was extremely dangerous, and not a little injurious, to the feeble Company in India. On the appearance of a Dutch fleet of eight large ships off Swally, in 1653-54, the English trade at Surat was suspended. In the Gulf of Persia, three of the Company's ships were taken, and one destroyed. The whole of the coasting trade of the English, consisting of the interchange of goods from one of their stations to another, became, under the naval superiority of the Dutch, so hazardous, as to be nearly suspended; and at Bantam, traffic seems to have been rendered wholly impracticable.<sup>1</sup>

As Cromwell soon reduced the Dutch to the necessity of desiring peace; and of submitting to it on terms nearly such as he thought proper to dictate; a clause was inserted in the treaty concluded at Westminster in 1654, in which they engaged to conform to whatever justice might prescribe regarding the massacre at Amboyna. It was agreed to name commissioners, four on each side, who should meet at London, and make an adjustment of the claims of the two nations. One remarkable, and not an ill-contrived condition was, that if the appointed commissioners should, within a specified time, be unable to agree, the differences in question should be submitted to the judgment and arbitration of the Protestant Swiss Cantons.<sup>2</sup>

The Commissioners met on the 30th of August, 1654. The English Company, who have never

<sup>1</sup> Bruce, i. 458, 482, 484, 485.

<sup>2</sup> Ib. 48.

1654.

found themselves at a loss to make out heavy claims for compensation, whether it was their own government, or a foreign, with which they had to deal, stated their damages, ascertained by a series of accounts, from the year 1611 to the year 1652, at the vast amount of 2,695,999*l.* 15*s.* The Dutch, however, seem to have been a match for them. They too had their claims for compensation, on account of joint expenses not paid, or injuries and losses sustained, amounting to 2,919,861*l.* 3*s.* 6*d.* It is impossible to pronounce with accuracy on the justice, comparative or absolute, of these several demands. There is no doubt that both were excessively exaggerated. But if we consider, that, under the domineering ascendancy which the Protector had acquired, it was natural for the English to overbear, and expedient for the Dutch to submit; while we observe, that the award pronounced by the Commissioners, allotted to the English no more than 85,000*l.*, to be paid by two instalments, we shall not find any reason, distinct from national partiality, to persuade us, that the balance of extravagance was greatly on the side of the Dutch. All the satisfaction obtained for the massacre of Amboyna, even by the award of the same Commissioners, was 3,615*l.*, to be paid to the heirs or executors of those who had suffered.<sup>1</sup> Polaroon was given up to the English, but not worth receiving.

Various occurrences strongly mark the sense which appears to have been generally entertained, of the unprofitable nature of joint-stock. That particular body of proprietors, including the Assada merchants, to whom the united joint-stock belonged, presented to the Council of State, in 1654, two separate petitions; in which they prayed, that the East India

<sup>1</sup> Bruce, i. 491.

Company should no longer proceed exclusively on the principle of a joint-stock trade, but that the owners of the separate funds should have authority to employ their own capital, servants, and shipping, in the way which they themselves should deem most to their own advantage.<sup>1</sup> The power and consequence of the Directors were threatened; and they hastened to present those pleas, which are used as their best weapons of defence to the present day. Experience had proved the necessity of a joint-stock; since the trade had been carried on by a joint-stock during forty years: Such competitions as those with the Portuguese and the Dutch could only be supported by the strength of a joint-stock: The equipments for the India trade required a capital so large as a joint-stock alone could afford: The failure of Courten's experiment proved that voyages on any other principle could not succeed: The factories requisite for the Indian trade could be established only by a joint-stock, the East India Company having factories in the dominions of no less than fourteen different sovereigns: The native princes required engagements to make good the losses which they or their subjects might sustain at the hand of Englishmen: and to this a joint-stock company alone was competent.

: On these grounds, they not only prayed that the trade by joint-stock should be exclusively continued; but that, as it had been impracticable for some time to obtain sufficient subscriptions, additional encouragement should be given by new privileges; and,

<sup>1</sup> The reasons on which they supported their request, as stated in their petition, exhibit so just a view of the infirmities of joint-stock management, as compared with that of individuals pursuing their own interests, that they are highly worthy of inspection as a specimen of the talents and knowledge of the men by whom joint-stock was now opposed. See Bruce, i. 518.

BOOK I in particular, that assistance should be granted, suf-  
 CHAP 3 ficient to enable them to recover and retain the Spice  
 1654. Islands.<sup>1</sup>

In their reply, the body of petitioners, who were now distinguished by the name of Merchant Adventurers, chiefly dwelt upon the signal want of success which had attended the trade to India, during forty years of joint-stock management. They asserted, that private direction and separate voyages would have been far more profitable; as the prosperity of those open Companies, the Turkey, Muscovy, and Eastland Companies, sufficiently proved. They claimed a right, by agreement, to a share in the factories and privileges of the Company in India; and stated, that they were fitting out fourteen ships for the trade.<sup>2</sup> They might have still further represented, that every one of the arguments advanced by the Directors, without even a single exception, was a mere assumption of the thing to be proved. That the trade had, during forty years, or four hundred years, been carried on by a joint-stock, proved not that, by a different mode, it would not have yielded much greater advantage: if the trade had been in the highest degree unprosperous; it rather proved that the management had been proportionally defective. The Directors asserted, that in meeting competition, private adventure would altogether fail; though with their joint-stock they had so ill sustained competition, that Courten's Association had threatened to drive them out of every market in which they had appeared: and they themselves had repeatedly and solemnly declared to government, that unless the license to Courten were withdrawn, the ruin of the East India Company was sure.

With regard to *mercantile* competition, at any rate, the skill and vigilance of individuals transacting for their own interest was sure to be a more powerful instrument than the imbecility and negligence of joint-stock management: and as to *warlike* competition, a few ships of war, with a few companies of marines, employed by the government, would have yielded far more security than all the efforts which a feeble joint-stock could make. The failure of Courten's Association was sufficiently accounted for by the operation of particular causes, altogether distinct from the general circumstances of the trade; the situation, in fact, in which the jealousy and influence of the Company had placed them. Factories were by no means so necessary as the Company ignorantly supposed, and interestedly strove to make others believe; as they shortly after found to their cost, when they were glad to reduce the greater number of those which they had established. Where factories were really useful, it would be for the interest of all the traders to support them. And all would join in an object of common utility in India, as they joined in every other quarter of the globe. As to the native princes, there was no such difficulty as the Company pretended: nor would individual merchants have been less successful than the directors of a joint-stock, in finding the means of prosecuting the trade.

These contending pretensions were referred to a committee of the Council of State; and they, without coming to a decision, remitted the subject to the Protector and Council, as too difficult and important for the judgment of any inferior tribunal.<sup>1</sup>

Nothing could exceed the confusion which, from the clashing interests of the owners of the separate

<sup>1</sup> Bruce, i. 503.



BOOK I.  
CHAP. 3.

1655.

stock, now raged in the Company's affairs. There were no less than three parties who set up claims to the Island of Polaroon, and to the compensation money which had been obtained from the Dutch; the respective proprietors of the third, fourth, and united joint-stocks. The proprietors of the third joint-stock claimed the whole, as the fourth joint-stock and the united stock were not in existence at the time when the debt obtained from the Dutch was incurred; and they prayed that the money might be lodged in safe and responsible hands, till government should determine the question. The owners of the two other stocks demanded that the money should be divided into three equal shares, for the three several stocks, and that they should all have equal rights to the Island of Polaroon.

Five arbitrators, to whom the dispute was referred, were chosen by the Council of State. In the mean time Cromwell proposed to borrow the 85,000*l.* which had been paid by the Dutch, and which could not be employed till adjudged to whom it belonged.

The Directors, however, had expected the fingering of the money, and they advanced reasons why it should be immediately placed in their hands. The pecuniary distresses of the Company were great: The different stocks were 50,000*l.* in debt; and many of the proprietors were in difficult circumstances: From gratitude to the Protector, however, they would make exertions to spare him 50,000*l.* to be repaid in eighteen months by instalments, provided the remaining 35,000*l.* were immediately assigned them, to pay their most pressing debts, and make a dividend to the Proprietors.<sup>1</sup> It thus appears, that these Directors wanted to forestall the

<sup>1</sup> Bruce, i. 503, 501.

decision of the question; and to distribute the money at their own pleasure, before it was known to whom it belonged. At the same time, it is matter of curious uncertainty, who these Directors were, whom they represented, by what set or sets of Proprietors they were chosen, or to whom they were responsible.

BOOK I.  
CHAP. 3,

1655.

While this dispute was yet undecided, the Merchant Adventurers, or Proprietors of the united stock, obtained a commission from the Protector to fit out four ships for the Indian trade, under the management of a committee.<sup>1</sup> We are made acquainted upon this occasion with a very interesting fact. The news of this event being carried to Holland, it was interpreted, and understood, by the Dutch, as being an abolition of the exclusive charter, and the adoption of the new measure of a free and open trade. The interests of the Dutch Company made them see, in this supposed revolution, consequences very different from those which the interests of the English Directors made them behold or pretend that they beheld in it. Instead of rejoicing at the loss of a joint-stock in England, as they ought to have done, if by joint-stock alone the trade of their rivals could be successfully carried on; they were filled with dismay at the prospect of freedom, as likely to produce a trade with which competition on their part would be vain.<sup>2</sup>

Meanwhile the Company, as well as the Merchant Adventurers, were employed in the equipment of a

<sup>1</sup> Bruce, i. 508.

<sup>2</sup> Thurloe's State Papers, iii. 80. Anderson says, "The merchants of Amsterdam having heard that the Lord Protector would dissolve the East India Company at London, and declare the navigation and commerce to the Indies to be free and open, were greatly alarmed, considering such a measure as ruinous to their own East India Company." Anderson's History of Commerce, in Macpherson's Annals, ii. 459. See Bruce, i. 518.

BOOK I  
CHAP. 3.

fleet. The petition of the Company to the Protector for leave to export bullion, specified the sum of 1656. 15,000*l.*: and the fleet consisted of three ships. They continued to press the government for a decision in favour of their exclusive privileges; and in a petition which they presented in October, 1656, affirmed, that the great number of ships sent by individuals under licenses, had raised the price of India goods from 40 to 50 per cent. and reduced that of English commodities in the same proportion. The Council *resolved at last to come to a decision.* After some inquiry, they gave it as their advice to the Protector to continue the exclusive trade and the joint-stock; and a committee of the Council was in consequence appointed, to consider the terms of a charter.<sup>1</sup>

While the want of funds almost annihilated the operations of the Company's agents in every part of India; and while they complained that the competition of the ships of the Merchant Adventurers rendered it, as usual, impracticable for them to trade with a profit in the markets of India, the Dutch pursued their advantages against the Portuguese. They had acquired possession of the island of Ceylon, and in the year 1656-57, blockaded the port of Goa, after which they meditated an attack upon the small island of Diu, which commanded the entrance into the harbour of Swally. From the success of these plans they expected a complete command of the navigation on that side of India, and the power of imposing on the English trade duties under which it would be unable to stand.<sup>2</sup>

<sup>1</sup> Bruce, i. 511—516.

<sup>2</sup> Ib. 522—529.

## CHAP. IV.

*From the Coalition between the Company and the Merchant Adventurers, till the Project for a new and a rival East India Company.*

AFTER the decision of the Council of State in favour of the joint-stock scheme of trading to India, the Company and the Merchant Adventurers effected a coalition. On the strength of this union a new subscription, in 1657-58, was opened, and filled up to the amount of 786,000*l*.<sup>1</sup> Whether the expected charter had been actually received is not ascertained.

BOOK I.

CHAP. 4.

1658.

The first operation of the new body of subscribers was the very necessary one of forming an adjustment with the owners of the preceding funds. A negotiation was opened for obtaining the transfer of the factories, establishments, and privileges in India. After the lofty terms in which the Directors had always spoken of these privileges and possessions, when placing them in the list of reasons for opposing an open trade; we are apt to be surprised at the smallness of the sum which, after all, and "though situated in the dominions of fourteen different sovereigns," they were found to be worth. They were made over in full right for 20,000*l*., to be paid in two instalments. The ships, merchandise in store, and other trading commodities of the preceding adventurers were taken by the new subscribers at a price; and it was agreed that the sharers in the former trade, who on that account had property in the Indies, should

<sup>1</sup> Bruce, i. 529.

BOOK I not traffic on a separate fund, but, after a specified  
 CHAP 4 term, should carry the amount of such property to  
 1650. the account of the new stock.<sup>1</sup> There was, in this  
 manner, only one stock now, in the hands of the  
 Directors, and they had one distinct interest to pur-  
 sue: a prodigious improvement on the preceding con-  
 fusion and embarrassment, when several stocks were  
 managed, and as many contending interests pursued,  
 at once.

Some new regulations were adopted for the con-  
 duct of affairs. The whole of the factories and pre-  
 sidencies were rendered subordinate to the President  
 and Council at Surat. The presidencies, however, at  
 Fort St. George and at Bantam were continued; the  
 factories and agencies on the Coromandel coast and  
 in Bengal being made dependent on the former, and  
 those in the southern islands on the latter.<sup>2</sup>

As heavy complaints had been made of trade car-  
 ried on, for their own account, by the agents and ser-  
 vants of the Company, who not only acted as the  
 rivals, but neglected and betrayed the interests, of  
 their masters, it was prohibited, and, in compensation,  
 additional salaries allowed.<sup>3</sup>

After these preliminary proceedings, the first fleet  
 was dispatched. It consisted of five ships; one for  
 Madras carrying 15,500*l.* in bullion; one for Bengal;  
 and three for Surat, Persia, and Bantam.<sup>4</sup> The fol-  
 lowing year, that is the season 1658-59, one ship was  
 consigned to Surat, one to Fort St. George, and two  
 to Bantam. The latter were directed to touch at  
 Fort St. George to obtain coast clothes for the is-  
 lands, and to return to Bengal and Fort St. George  
 to take in Bengal and Coromandel goods for Europe.

<sup>1</sup> Bruce, i. 529, 530

<sup>2</sup> *Ib.*

<sup>3</sup> Bruce, i. 532

<sup>4</sup> *Ib.* 533

Instructions were given to make great efforts for recovering a share of the spice trade.<sup>1</sup> Bantam, however, was at this time blockaded by the Dutch, and no accounts were this year received of the traffic in the southern islands.<sup>2</sup>

BOOK I.  
CHAP. 4.  
1661.

The operations of the new joint-stock were not more prosperous than those of the old. Transactions at the several factories were feeble and unsuccessful. For two years, 1659-60, and 1660-61, there is no account of the Company's equipments; and their advances to India were no doubt small.<sup>3</sup> "The embarrassed state of the Company's funds at this particular period," says Mr. Bruce, "may be inferred from the resolutions they had taken to relinquish many of their out-stations, and to limit their trade in the Peninsula of India to the presidencies of Surat and Fort St. George, and their subordinate factories."<sup>4</sup>

Meanwhile Cromwell had died, and Charles II. ascended the throne. Amid the arrangements which took place between England and the continental powers, the Company were careful to press on the attention of government a list of grievances, which they represented themselves as still enduring at the hands of the Dutch; and an order was obtained, empowering them to take possession of the island of Polaroon. They afterwards complained that it was delivered to them in such a state of prepared desola-

<sup>1</sup> Bruce, 539, 540. The state of interest, both in India and England, appears incidentally in the accounts received by the Company from the agents at Surat, in the year 1658-59. These agents, after stating the narrowness of the funds placed at their disposal, recommend to the Directors rather to borrow money in England, which could easily be done at 4 per cent., than leave them to take up money in India at 8 or 9 per cent. *Ib.* 542.

<sup>2</sup> *Ib.* 544.

<sup>3</sup> *Ib.* 549—551.

<sup>4</sup> *Ib.* 555.

BOOK I.  
CHAP. 4.

tion, as to be of no value.<sup>1</sup> The truth is, it was of little value at best.

1661.

On every change in the government of the country, it had been an important object with the Company to obtain a confirmation of their exclusive privileges. The usual policy was not neglected, on the accession of Charles II.; and a petition was presented to him for a renewal of the East India charter. As there appears not to have been, at that time, any body of opponents to make interest or importunity for a contrary measure, it was far easier to grant without inquiry, than to inquire and refuse; and Charles and his ministers had a predilection for easy rules of government. A charter, bearing date the 3d of April, 1661, was accordingly granted, confirming the ancient privileges of the Company, and vesting in them authority to make peace and war with any prince or people, not being Christians; and to seize unlicensed persons within their limits, and send them to England.<sup>2</sup> The two last were important privileges; and, with the right of administering justice, consigned almost all the powers of government to the discretion of the Directors and their servants.

It appears not that, on this occasion, the expedient of a new subscription for obtaining a capital was attempted. A new adjustment with regard to the privileges and dead stock in India would have been required. The joint-stock was not as yet a definite and invariable sum, placed beyond the power of resumption, at the disposal of the Company, the shares only transferable by purchase and sale in the market. The capital was variable and fluctuating; formed by the sums which, on the occasion of each voyage, the

individuals, who were free of the Company, chose to pay into the hands of the Directors, receiving credit for the amount, in the Company's books, and proportional dividends on the profits of the voyage. Of this stock 500*l.* entitled a proprietor to a vote in the general courts; and the shares were transferable, even to such as were not free of the Company, upon paying 5*l.* for admission.<sup>1</sup>

Of the amount either of the shipping or stock of the first voyage upon the renewed charter we have no account; but the instructions sent to India prescribed a reduction of the circle of trade. In the following year, 1662-63, two ships sailed for Surat, with a cargo in goods and bullion, amounting to 65,000*l.*, of which it would appear that 28,300*l.* was consigned to Fort St. George. Next season there is no account of equipments. In 1664-65, two ships were sent out with the very limited value of 16,000*l.* The following season the same number only of ships was equipped; and the value in money and goods consigned to Surat was 20,600*l.*; whether any thing in addition was afforded to Fort St. George does not appear; there was no consignment to Bantam. In 1666-67, the equipment seems to have consisted but of one vessel, consigned to Surat with a value of 16,000*l.*<sup>2</sup>

With these inadequate means, the operations of the Company in India were by necessity languid and humble. At Surat, the out-factories and agencies were suppressed. Instructions were given to sell the English goods, at low rates, for the purpose of ruining the interlopers. The Dutch, however, revenged the private traders; and, by the competition of their power-

<sup>1</sup> Anderson's Hist. of Commerce in Macpherson's Annals, ii. 495, 605.

<sup>2</sup> Bruce, ii. 108, 119, 152, 186.



BOOK I. ful capital, rendered the Company's business difficult  
 CHAP. 4. and unprofitable.<sup>1</sup> On the Coromandel coast the  
 1662-67. wars among the native chiefs, and the overbearing  
 influence of the Dutch, cramped, and threatened to  
 extinguish the trade of the English. And at Bantam,  
 where the Dutch power was most sensibly felt, the  
 feeble resources of their rivals hardly sufficed to keep  
 their business alive.<sup>2</sup>

During these years of weakness and obscurity, several events occurred, which by their consequences proved to be of considerable importance. The island of Bombay was ceded to the King of England as part of the dowry of the Infanta Catharine; and a fleet of five men of war commanded by the Earl of Marlborough, with 500 troops commanded by Sir Abraham Shipman, were sent to receive the possession. The armament arrived at Bombay on the 18th September, 1662; but the Governor evaded the cession. The English understood the treaty to include Salsette and the other dependencies of Bombay. As it was not precise in its terms, the Portuguese denied that it referred to any thing more than the island of Bombay. Even Bombay they refused to give up, till further instructions, on the pretext that the letters or patent of the King did not accord with the usages of Portugal. The commander of the armament applied in this emergency to the Company's President to make arrangements for receiving the troops and ships at Surat, as the men were dying by long confinement on board. But that magistrate represented the danger of incurring the suspicion of the Mogul government, which would produce the seizure of the Company's investment, and the expulsion of their servants from the country. In these circumstances the Earl

<sup>1</sup> Bruce, 110, 138, 157, 158, 174

<sup>2</sup> Ib n. 130, 159.

of Marlborough took his resolution of returning with the King's ships to England; but Sir Abraham Shipman, it was agreed, should land the troops on the island of Angedivah, twelve leagues distant from Goa. On the arrival of the Earl of Marlborough in England in 1663, the King remonstrated with the government of Portugal, but obtained unsatisfactory explanations; and all intention of parting with the dependencies of Bombay was denied. The situation in the mean time of the troops at Angedivah proved extremely unhealthy; their numbers were greatly reduced by disease; and the commander made offer to the President and Council at Surat, to cede the King's rights to the Company. This offer, on consultation, the President and Council declined; as well because, without the authority of the King, the grant was not valid, as because, in their feeble condition, they were unable to take possession of the place. After Sir Abraham Shipman and the greater part of the troops had died by famine and disease, Mr. Cooke, on whom the command devolved, accepted of Bombay on the terms which the Portuguese were pleased to prescribe; renounced all claim to the contiguous islands: and allowed the Portuguese exemption from the payment of customs. This convention the King refused to ratify, as contrary to the terms of his treaty with Portugal; but sent out Sir Gervase Lucas to assume the government of the place. As a few years' experience showed that the government of Bombay cost more than it produced, it was once more offered to the Company: and now accepted. The grant bears date in 1668. Bombay was "to be held of the King in free and common socage, as of the manor of East Greenwich, on the payment of the annual rent of 10% in gold, on the 30th of September, in each year;" and with the place itself was conveyed

BOOK I. authority to exercise all political powers, necessary  
 CHAP. 4. for its defence and government.<sup>1</sup>

1663-68. Subterfuges of a similar kind were invented by the Dutch to evade the cession of the island of Polaroon. The Governor pretended that he could not deliver up the island without instructions from the Governor of Banda; and the Governor of Banda pretended that he could not give such instructions without receiving authority from the Governor-General of Batavia. After much delay and negotiation the cession was made in 1665; but not, if we believe the English accounts, till the Dutch had so far exterminated the inhabitants and the spice trees, that the acquisition was of little importance. On the recommencement, however, of hostilities between England and Holland, the Dutch made haste to expel the English, and to re-occupy the island. And by the treaty of Breda, both Polaroon and Damm, on which the English had attempted an establishment, were finally ceded to the Dutch.<sup>2</sup>

In the beginning of 1664, Sevagee, the founder of the Mharatta power, in the course of his predatory warfare against the territories of the Mogul Sovereign, attacked the city of Surat. The inhabitants fled, and the Governor shut himself up in the castle. The Company's servants, however, taking shelter in the factory, stood upon their defence, and having called in the ships' crews to their aid, made so brave a resistance that Sevagee retired after pillaging the town. The gallantry and success of this enterprise so pleased the Mogul government, as to obtain its thanks to the President, and new privileges of trade to the Company. The place was again approached by the same

<sup>1</sup> Bruce, ii. 104, 106, 126, 131, 141, 155, 168, 199. Macpherson's Annals, ii. 503.

<sup>2</sup> Bruce, ii. 152, 161, 184, 198.

destructive enemy in 1670, when the principal part of the Company's goods were transported to Swally, and lodged on board the ships. The English again defended themselves successfully, though some lives were lost, as well as some property in their detached warehouses.<sup>1</sup>

BOOK I.  
CHAP. 4.  
1663-68.

At this period occurred one of the first instances of refractory and disobedient conduct on the part of the Company's servants. This is a calamity to which they have been much less frequently exposed, than, from the distance and employment of those servants, it would have been reasonable to expect. The efforts of the Directors to suppress the trade, which their agents carried on for their own account, had not been very successful. Sir Edward Winter, the chief servant at Fort St. George, was suspected of this delinquency, and in consequence recalled. When Mr. Foxcroft, however, who was sent to supersede him, arrived at Fort St. George, in June, 1665, Sir Edward, instead of resigning, placed his intended successor in confinement, under a pretext which it was easy to make, that he had uttered disloyal expressions against the King's government. Notwithstanding remonstrances and commands, he maintained himself in the government of the place till two ships arrived, in August, 1668, with peremptory orders from the Company, strengthened by a command from the King, to resign; when his courage failed him, and he complied. He retired to Masulipatam, a station of the Dutch, till the resentment excited against him in England should cool: and his name appears no more in the annals of the Company.<sup>2</sup>

In Bengal the English factory at Hoogley had been involved in an unhappy dispute with the Mogul

<sup>1</sup> Bruce, 144, 145, 234.

<sup>2</sup> Ib. ii. 179, 245.

BOOK I.  
CHAP. 4

1663-68.

government, on account of a junk which they imprudently seized on the river Ganges. For several years this incident had been used as a pretext for molesting them. In 1662-63, the chief at Madras sent an agent to endeavour to reconcile them with Meer Jumlah, the Nabob of Bengal; and to establish agencies at Balasore and Cossimbuzar.<sup>1</sup> The Company's funds, however, were too confined to push to any extent the trade of the rich province of Bengal.

The scale was very small on which, at this time, the Company's appointments were formed. In 1662, Sir George Oxenden was elected to be "President and chief Director of all their affairs at Surat, and all other their factories in the north parts of India, from Zeilon to the Red Sea," at a salary of 300*l.* and with a gratuity of 200*l.* per annum as compensation for private trade. Private trade in the hands of the servants, and still more in those of others, the Company were now most earnestly labouring to suppress. Directions were given to seize all unlicensed traders and send them to England; and no exertion of the great powers entrusted to the Company was to be spared, to annihilate the race of merchants who trenched upon the monopoly, and to whom, under the disrespectful name of *interlopers*, they ascribed a great part of their imbecility and 'depression.'<sup>2</sup>

Their determination to crush all those of their countrymen who dared to add themselves to the list of their competitors, failed not to give rise to instances of great hardship and calamity. One was rendered famous by the altercation which in 1666 it produced between the two houses of parliament. Thomas Skinner, a merchant, fitted out a vessel in 1657. The agents of the Company seized his ship and mer-

<sup>1</sup> Bruce, i. 560; ii 110, 131.<sup>2</sup> *Ib.* ii. 107-109.

chandize in India, his house, and the island of Barella, which he had bought of the King of Jambce. They even denied him a passage home; and he was obliged to travel over land to Europe. The sufferer failed not to seek redress, by presenting his complaint to the government, and after some importunity it was referred first to a committee of the Council, and next to the House of Peers. When the Company were ordered to answer, they refused to acknowledge the jurisdiction of the Peers, on the ground that they were only a court of appeal, and not competent to decide in the first resort. The objection was over-ruled. The Company appealed to the House of Commons; the Lords were highly inflamed; and, proceeding to a decision, awarded to the petitioner 5,000*l*. The Commons were now enraged in their turn; and being unable to gratify their resentments upon the House of Peers, which was the cause of them, they were pleased to do so upon the unfortunate gentleman who had already paid so dearly for the crime (whatever its amount) of infringing the Company's monopoly. He was sent a prisoner to the Tower. The Lords, whom these proceedings filled with indignation, voted the petition of the Company to the Lower House to be false and scandalous. Upon this the Commons resolved that whoever should execute the sentence of the other house in favour of Skinner, was a betrayer of the rights and liberties of the Commons of England, and an infringer of the privileges of their house. To such a height did these contentions proceed, that the King adjourned the parliament seven times; and when the controversy after an intermission revived, he sent for both houses to Whitehall, and by his personal persuasion induced them to erase from their journals all their votes, resolutions, and other acts relating to the subject. A contest, of which both parties were tired,

BOOK I. being thus ended, the sacrifice and ruin of an indi-  
 CHAP. 4. vidual appeared, as usual, of little importance: Skinner  
 1663-68. had no redress.<sup>1</sup> \*

Another class of competitors excited the fears and jealousies of the Company. Colbert, the French minister of finance, among his projects for rendering his country commercial and opulent, conceived, in 1664, the design of an East India Company. The report which reached the Court of Directors in London represented the French as fitting out eight armed vessels for India, commanded by Hubert Hugo, whom in their instructions to the settlements abroad, the Directors described as a Dutch pirate. The hostilities of the Company were timid. They directed their agents in India to afford these rivals no aid or protection, but to behave towards them with circumspection and delicacy. The subservience of the English government to that of France was already so apparent, as to make them afraid of disputes in which they were likely to have their own rulers against them.<sup>2</sup>

The war which took place with Holland in 1664, and which was followed in 1665 by a temporary quarrel with France, set loose the powers of both nations against the Company in India. The French Company, however, was *too much in its infancy* to be formidable; and the Dutch, whose mercantile competition pressed as heavily during peace as during war, added to the difficulties of the English, chiefly by rendering their navigation more hazardous and expensive.

A fact, an enlightened attention to which would probably have been productive of important consequences, was at this time forced upon the notice of

<sup>1</sup> Macpherson's Annals, ii. 493.

<sup>2</sup> Raynal, Hist. Philos. et Polit. des Etabliss. &c. dans les Deux Indes, ii. 183. Ed. 8vo Geneva, 1781. Bruce ii. 187, 150, 167. Macpherson's Annals, ii. 516.

the Company. One grand source of the expenses which devoured the profits of their trade was their factories, with all that mass of dead stock which they required, houses, lands, fortifications, and equipments. The Dutch, who prosecuted their interests with vigilance and economy, carried on their trade in a great many places without factories. Upon receiving instructions to make preparations and inquiry for opening a trade with Japan, Mr. Quarles Brown, the Company's agent at Bantam, who had been at Japan, reported to the Court, that it would be necessary, if a trade with Japan was to be undertaken, to follow the plan of the Dutch; who procured the commodities in demand at Japan, in the countries of Siam, Cambodia, and Tonquin, not by erecting expensive factories, but by forming contracts with the native merchants. These merchants, at fixed seasons, brought to the ports the commodities for which they had contracted, and though it was often necessary to advance to them the capital with which the purchases were effected, they had regularly fulfilled their engagements.<sup>1</sup> Even the Company itself, and that in places where their factories cost them the most, had made experiments, and with great advantage, on the expediency of employing the native merchants in providing their investments. At Surat, in 1665-66, "the investments of the season were obtained by the employment of a native merchant, who had provided an assortment of pepper at his own risk, and though the Dutch had obstructed direct purchases of pepper, the agents continued the expedient of employing the native merchants, and embarked a moderate assortment."<sup>2</sup> Factories to carry on the traffic of Asia, at any rate on the scale, or any thing

<sup>1</sup> Letters from the Agent and Council of Bantam (in the East India Register Office), Bruce ii. 163.

<sup>2</sup> Bruce ii. 178, from a letter from the President and Council of Surat.



BOOK I  
CHAP 4

1663-68.

approaching to the scale, of the East India Company, were the natural offspring of a joint-stock; the Managers or Directors of which had a much greater interest in the patronage they created, which was wholly their own; than in the profits of the Company, of which they had only an insignificant share. Had the trade to India been conducted from the beginning, on those principles of individual adventure and free competition, to which the nation owes its commercial grandeur, it is altogether improbable that many factories would have been established. The agency of the native merchants would have performed much; and where it was not sufficient, the Indian trade would have naturally divided itself into two branches. One set of adventurers would have established themselves in India, by whom investments would have been provided for the European ships, and to whom the cargoes of the European goods would have been consigned. Another class of adventurers, who remained at home, would have performed the business of export and import from England, as it is performed to any other region of the globe.

The time, however, was now approaching when the weakness which had so long characterized the operations of the English in India was gradually to disappear. Notwithstanding the imperfections of the government, at no period, perhaps, either prior or posterior, did the people of this country advance so rapidly in wealth and prosperity, as during the time, including the years of civil war, from the accession of James I. to the expulsion of James II.<sup>1</sup> We are not

<sup>1</sup> Sir William Petty, who wrote his celebrated work, entitled *Political Arithmetic*, in 1676, says, 1. The streets of London showed that city to be double what it was forty years before, great increase was also manifested at Newcastle, Yarmouth, Norwich, Exeter, Portsmouth, and Cowes, and in Ireland, at Dublin, Kingsale, Coleraine, and Londonderry

informed of the particular measures which were pursued by the Directors for obtaining an extension of funds; but the increase of capital in the nation was probably the principal cause which enabled them, in the year succeeding the acquisition of Bombay, to provide a grander fleet and cargo than they had ever yet sent forth. In the course of the year 1667-68, six ships sailed to Surat, with goods and bullion to the value of 130,000*l.*; five ships to Fort St. George, with a value of 75,000*l.*; and five to Bantam, with a stock of 40,000*l.* In the next season we are informed that the consignments to Surat consisted of 1,200 tons of shipping, with a stock of the value of 75,000*l.*; to Fort St. George, of five ships, and a stock of 103,000*l.*; and to Bantam, of three ships and 35,000*l.* In the year 1669-70, 1,500 tons of shipping were sent to Surat, six ships to Fort St. George, and four to Bantam, and the whole amount of the stock was 281,000*l.* The vessels sent out in 1670-71 amounted to sixteen, and their cargoes and bullion to 303,500*l.* In the following year four ships were sent to Surat, and nearly 2000 tons of shipping to Fort St. George; the cargo and bullion to the former, being 85,000*l.*, to the latter, 160,000*l.*: shipping to the amount of 2,800 tons was consigned to Bantam, but of the value of the bullion and goods no account seems to be preserved. In 1672-73, stock and bullion to the amount of 157,700*l.* were sent to Surat and Fort St. George. On account of the war, and the more exposed situation of Bantam, the consignment to that settlement was

BOOK I.  
CHAP. 4.  
1668-74.

2. With respect to shipping, the navy was triple, or quadruple what it was at that time; the shipping of Newcastle was 80,000 tons, and could not then have exceeded a quarter of that amount. 3. The number and splendour of coaches, equipages, and furniture, had much increased since that period. 4. The postage of letters had increased from one to twenty. 5. The King's revenue had tripled itself. See too Macpherson's *Annals*, ii. 580.

BOOK I postponed. In the following year, it appears that  
 CHAP 4 cargoes and bullion were consigned, of the value of  
 1668-74. 100,000*l.* to Surat, 87,000*l.* to Fort St. George; and  
 41,000*l.* to Bantam.<sup>1</sup>

Other events of these years were of considerable importance. In 1667-68, appears the first order of the Company for the importation of tea.<sup>2</sup> Attempts were now recommended for resuming trade with Sumatra.<sup>3</sup> In 1671-72, considerable embarrassment was produced at Surat by the arrival of a French fleet of twelve ships, and a stock computed at 130,000*l.* The inconsiderate purchases and sales of the French reduced the price of European goods, and raised that of Indian, but so little did these adventurers exhibit of the spirit and knowledge of commerce, as to convince the Company's agents that they would not prove formidable rivals.<sup>4</sup>

As England and France were now united in alliance against the Dutch, the Company might have exulted in the prospect of humbling their oppressors, but the danger of a new set of competitors seems effectually to have repressed these triumphant emotions. In 1673, the island of St. Helena, which had several times changed its masters, being recaptured from the Dutch, was granted anew and confirmed to the Company by a royal charter.<sup>5</sup>

The funds which, in such unusual quantity, the Directors had been able to supply for the support of the trade in India, did not suffice to remove, it would appear that they hardly served to lighten, the pecuniary difficulties under which it laboured. To an order to

<sup>1</sup> Bruce ii. 201, 206, 209—224, 227, 230—256, 258, 259—278, 281, 282, 283—293, 296, 297—312, 313—327, 328, 331

<sup>2</sup> Ib. ii. 210 The words of this order are curious, "to send home by these ships 100 lb weight of the best tea that you can get"

<sup>3</sup> Ib. ii. 211

<sup>4</sup> Ib. 302

<sup>5</sup> Ib. 252, 334

provide a large investment, the President and Council at Surat, in 1673-74, replied, that the funds at their disposal were only 88,228*l.* and their debts.100,000*l.* besides interest on the same at 9• per cent.; and in November, 1674, they represented that the debt arose to no less a sum than 135,000*l.*; and that all returns must in a great measure be suspended till, by the application of the funds received from Europe, the Company's credit should be revived.<sup>1</sup>

BOOK I.  
CHAP. 4.  
1674.

Of the sort of views held out at this period to excite the favour of the nation towards the East India Company, a specimen has come down to us of considerable value. Sir Josiah Child, an eminent member of the body of Directors, in his celebrated Discourses on Trade, written in the year 1665, and published in 1667, represents the trade to India as the most beneficial branch of English commerce; and in proof of this opinion asserts, that it employs from twenty-five to thirty sail of the most warlike mercantile ships of the kingdom, manned with mariners from 60 to 100 each; that it supplies the kingdom with saltpetre, which would otherwise cost the nation an immense sum to the Dutch; with pepper, indigo, calicoes, and drugs, to the value of 150,000*l.* or 180,000*l.* yearly, for which it would otherwise pay to the same people an exorbitant price; with materials for export to Turkey, France, Spain, Italy, and Guinea, to the amount of 200,000*l.* or 300,000*l.* yearly, countries with which, if the nation were deprived of these commodities, a profitable trade could not be carried on.

These statements were probably made with an intention to deceive. The imports, exclusive of saltpetre, are asserted to exceed 400,000*l.* a year; though the

<sup>1</sup> Bruce, ii. 337, 342, 366.

BOOK I.  
CHAP. 4.

1674.

stock which was annually sent to effect the purchases, and to defray the whole expense of factories and fortifications abroad, hardly amounted in any number of years preceding 1665, to 100,000*l.*, often to much less; while the Company were habitually contracting debts, and labouring under the severest pecuniary difficulties. Thus early, in the history of this Company, is it found necessary to place reliance on their accounts and statements, only when something very different from the authority of their advocates is found to constitute the basis of our belief.

It will be highly instructive to confront one exaggerated statement with another. About the same time with the discourses of Sir Josiah Child, appeared the celebrated work of De Witt on the state of Holland. Proceeding on the statement of Sir Walter Raleigh, who in the investigation of the Dutch fishery, made for the information of James I. in 1603, affirmed, that "the Hollanders fished on the coasts of Great Britain with no fewer than 3,000 ships, and 50,000 men; that they employed and set to sea, to transport and sell the fish so taken, and to make returns thereof, 9,000 ships more, and 150,000 men; and that twenty *husses* do, *one way or other, maintain 8,000 people;*" he adds, that from the time of Sir Walter Raleigh to the time at which he wrote, the traffic of Holland in all its branches could not have increased less than one third. Allowing this account to be exaggerated in the same proportion as that of the East India Director, which the nature of the circumstances, so much better known, renders rather improbable; it is yet evident, to what a remarkable degree the fisheries of the British coasts, to which the Dutch confined themselves, constituted a more important commerce than the highly vaunted, but comparatively insignificant business of

the East India Company.<sup>1</sup> The English fishery, at the single station of Newfoundland, exceeded in value the trade to the East Indies. In the year 1676, no fewer than 102 ships, carrying twenty guns each, and eighteen boats, with five men to each boat, 9,180 men in all, were employed in that traffic; and the total value of the fish and oil was computed at 386,400*l*.<sup>2</sup>

BOOK I.  
CHAP. 4.

1675-82.

The equipments, in 1674-75, were, five ships to Surat with 189,000*l*. in goods and bullion; five to Fort St. George with 202,000*l*.; and 2,500 tons of shipping to Bantam with 65,000*l*.: In 1675-76, to Surat, five ships and 96,500*l*.; to Fort St. George, five ships and 235,000*l*.; to Bantam, 2,450 tons of shipping, and 58,000*l*.: In 1676-77, three ships to Surat and three to Fort St. George, with 97,000*l*. to the one, and 176,600*l*. to the other; and eight ships to Bantam, with no account of the stock. The whole adventure to India, in 1677-78, seems to have been seven ships and 352,000*l*.; of which a part, to the value of 10,000*l*. or 12,000*l*., was to be forwarded from Fort St. George to Bantam: In 1678-79, eight ships and 393,950*l*.: In 1679-80, ten ships and 461,700*l*.: In 1680-81, eleven ships and 596,000*l*.: And, in 1681-82, seventeen ships, and 740,000*l*.<sup>3</sup>

The events affecting the East India Company were still common and unimportant. In 1674-75, a mutiny, occasioned by retrenchment, but not of any

<sup>1</sup> An anonymous author, whom Anderson in his History of Commerce quotes as an authority, says, in 1679, that the Dutch herring and cod fishery employed 8,000 vessels, and 200,000 sailors and fishers, whereby they annually gained five millions sterling; besides their Iceland, Greenland, and Newfoundland fisheries, and the multitude of trades and people employed by them at home. Macpherson's Annals, ii. 596. See in the same work, ii. 547 and 552, a summary of the statements of Child and De Witt. For ampler satisfaction the works themselves must be consulted.

<sup>2</sup> Anderson's Hist. of Commerce, Macpherson's Annals, ii. 579.

<sup>3</sup> Bruce, ii. 356, 360, 361—375, 379—392, 393, 395—406, 409, 410—435, 438, 439—446, 451, 453—459, 465, 468.

BOOK I. serious inagnitude, was suppressed at Bombay. In  
 CHAP. 4 trying and executing the ringleaders, the Company  
 1675-82. exercised the formidable powers of martial law. The  
 trade of Bengal had grown to such importance, that,  
 instead of a branch of the agency at Fort St. George,  
 an agency was now constituted in Bengal itself.  
 Directions were forwarded to make attempts for open-  
 ing a trade with China; and tea, to the value of 100  
 dollars, was, in 1676-77, ordered on the Company's  
 account. Beside the ordinary causes of depression  
 which affected the Company at Bantam, a particular  
 misfortune occurred in 1667. The principal persons  
 belonging to the factory having gone up the river in  
 their prows, a number of Javanese assassins, who had  
 concealed themselves in the water, suddenly sprung  
 upon them, and put them to death.<sup>1</sup>

In 1677-78, "the Court," says Mr. Bruce, "re-  
 commended temporising expedients to their servants,  
 with the Mogul, with Seavagee, and with the petty  
 Rajahs; but at the same time they gave to President  
 Aungier and his council discretionary powers, to  
 employ armed vessels, to enforce the observation of  
 treaties and grants:—in this way, the Court shifted  
 from themselves the responsibility of commencing  
 hostilities, that they might be able, in any questions  
 which might arise between the King and the Com-  
 pany, to refer such hostilities to the errors of their  
 servants."<sup>2</sup> This cool provision of a subterfuge, at  
 the expense of their servants, is a policy ascribed to  
 the Company, in this instance, by one of the most  
 unabashed of their eulogists. We shall see, as we  
 advance, in what degree the precedent has been  
 followed.

The difficulties which now occurred in directing

<sup>1</sup> Bruce, ii. 367, 466, 396, 404.

<sup>2</sup> Ib. 405.

the operations of the various individuals employed in the business of the East India Company began to be serious. The Directors, from ignorance of the circumstances in which their servants were placed, often transmitted to them instructions which it would have been highly imprudent to execute. The functionaries abroad often took upon themselves, and had good reasons for their caution, to disregard the orders which they received. A door being thus opened for discretionary conduct, the instructions of the Directors were naturally as often disobeyed for the convenience of the actors abroad, as for the benefit of the Company at home. The disregard of their authority, and the violation of their commands, had been a frequent subject of uneasiness and indignation to the Directors. Nor was this all. From discordant pretensions to rank and advancement in the service, animosities arose among the agents abroad. Efforts were made by the Directors for the cure of these troublesome, and even dangerous, diseases. Seniority was adopted as the principle of promotion; but nomination to the important office of a Member of Council at the Agencies, as well as Presidencies, was reserved to the Court of Directors.<sup>1</sup>

<sup>1</sup> Bruce, ii. 355, 374, 449, 453.



## CHAP. V.

*From the Project of forming a new and rival Company, till the Union of the two Companies by the Award of Godolphin, in the year 1711.*

BOOK I. THE Company were now again threatened by that  
 CHAP. 5. competition with their fellow-citizens which they  
 1683. have always regarded as their greatest misfortune. From the renewal of their charter, shortly after the accession of Charles II., their monopoly had not been disturbed, except by a few feeble interlopers, whom they had not found it difficult to crush. In the year 1682-83, the design was disclosed of opening a subscription for a new joint-stock, and establishing a rival East India Company. The scheme was so much in unison with the sentiments of the nation, and assumed an aspect of so much importance, that it was taken into consideration by the King and Council.

It had so much effect upon the views of the Company, though for the present the Council withheld their sanction, that, in Mr. Bruce's opinion, it introduced into their policy of 1682-83 a refinement, calculated, and intended, to impose upon the King and the public. It induced them to speak of the amount of their equipments, not, as usual, in terms of exact detail, but in those of vague and hyperbolical estimate. What we know of their adventure of that year is only the information they forwarded to their Indian stations, that the stock to be sent out

would exceed one million sterling. In the course of the next season they equipped four ships to Surat. Of that year we only further know that 100,000*l.* in bullion was intended for Bengal. In 1684-85, information was forwarded to Surat, in general terms, that the tonnage and stock would be considerable: Five ships sailed for Fort St. George and Bengal, with 140,000*l.* in bullion: Of other circumstances nothing is adduced: And for several succeeding years no statement of the tonnage and stock of the annual voyages appears.<sup>1</sup>

Under the skill which the Court of Directors have all along displayed in suppressing such information as they wished not to appear, it is often impossible to collect more than gleanings of intelligence respecting the Company's debts. At the present period, however, they appear to have been heavy and distressing. In 1676, it was asserted by their opponents in England that their debts amounted to 600,000*l.*;<sup>2</sup> and we have already seen that, in 1674, the debt of Surat alone amounted to 135,000*l.*<sup>3</sup> In 1682-83, the Directors authorised the Agency in Bengal to borrow 200,000*l.*, and, in 1683-84, it is stated that the debt upon the dead stock at Bombay alone amounted to 300,000*l.*<sup>4</sup> It seems highly probable that at this time their debts exceeded their capital.

98M628-I

~~98M628-I~~

In a war between the King of Bantam and his son, in which the English sided with the one, and the Dutch with the other, the son prevailed; and expelled the English from the place. The agents and servants of the factory took shelter at Batavia, and the Dutch Governor made offer of his assistance to

<sup>1</sup> Bruce, ii. 476, 481—496, 506—528, 531.

<sup>2</sup> Anderson's Hist. of Commerce, Macpherson's Annals, ii. 579.

<sup>3</sup> Supra, p. 95.

<sup>4</sup> Bruce, ii. 482, 489.

BOOK I  
CHAP 5

1683-85.

bring the property of the Company from Bantam. As the English, however, accused the Dutch of being the real authors of the calamity, they declined the proposal, as precluding those claims of redress which the Company might prosecute in Europe. Various efforts were made to regain possession of Bantam, but the Dutch from this time remained sole masters of Java.<sup>1</sup>

Upon the loss of Bantam, the Presidency for the government of the Eastern Coast, which had hitherto, with a fond desire for the traffic of the islands, been stationed at that place, was removed to Fort St. George.<sup>2</sup>

The nation becoming gradually more impatient under the monopoly, the numbers multiplied of those who ventured to break through the restraint which it imposed upon the commercial ardour of the times. The Company, not satisfied with the power which they had already obtained of common and martial law, and of seizing, with their property, and sending to England, as many of their countrymen as their interests or caprice might direct, still called for a wider range of authority; and, under the favour of government which they now enjoyed, obtained the powers of Admiralty jurisdiction, for the purpose of seizing and condemning, safe from the review of the courts of municipal law in England, the ships of the interlopers.<sup>3</sup> The servants of the Company were now invested with unlimited power over the British people in India.

Insurrection again appeared at Bombay, and assumed a very formidable aspect. The causes were such as have commonly, in the Company's affairs, been attended with similar effects. Efforts had been

<sup>1</sup> Bruce, ii 492.<sup>2</sup> Ib 502.<sup>3</sup> Ib 496

made to retrench expenses; unpleasant to the Company's servants. The earliest experiment of the Company in territorial sovereignty agreed with the enlarged experience of succeeding times : the expense of the government exceeded the revenue which the population and territory could be made to yield. The Directors, new to the business of government, were disappointed ; and having first laboured to correct the deficit by screwing up the revenue, they next attempted the same arduous task by lessening the expense. By the two operations together, all classes of their subjects were alienated : First, the people, by the weight of taxation ; next the instruments of government, by the diminution of their profits. Accordingly Captain Keigwin, commander of the garrison at Bombay, was joined by the troops and the great body of the people, in renouncing the authority of the Company, and declaring by proclamation, dated December 27, 1683, that the island belonged to the King. Keigwin was by general consent appointed Governor ; and immediately addressed letters to the King and to the Duke of York, stating such reasons as were most likely to avert from his conduct the condemnation to which it was exposed.<sup>1</sup>

The President and Council at Surat, conscious of their inability to reduce the island by force, had recourse to negotiation. A general pardon, and redress of grievances were promised. First three commissioners were sent ; afterwards the President repaired to Bombay in person. But neither entreaties nor threats were of any avail.<sup>2</sup>

<sup>1</sup> Bruce, ii. 512. Governor Child is accused by Hamilton of wanton and intolerable oppressions ; and that author states some facts which indicate excessive tyranny. *New Account of the East Indies*, i. 187—199.

<sup>2</sup> Bruce, ii. 515.

BOOK I.  
CHAP. 5.

1685-87.

As soon as intelligence arrived in England, the King's command was procured, directing Captain Keigwin to deliver up the island: and instructions were forwarded to proceed against the insurgents by force. When Sir Thomas Grantham, the commander of the Company's fleet, presented himself at Bombay, invested with the King's commission, Keigwin offered, if assured of a free pardon to himself and adherents, to surrender the place. On these terms the island was restored to obedience. For the more effectual coercion of any turbulent propensities, the expedient was adopted of removing the seat of government from Surat to Bombay. Nor could the humble title and pretensions of a President and Council any longer satisfy the rising ambition of the Company. The Dutch had established a regency at Batavia and Columbo. It was not consistent with the grandeur of the English Company to remain contented with inferior distinction. In 1687, Bombay was elevated to the dignity of a Regency, with unlimited power over the rest of the Company's settlements. Madras was formed into a corporation, governed by a mayor and aldermen.<sup>1</sup>

The English had met with less favour, and more oppression, from the native powers in Bengal, than in any other part of India.<sup>2</sup> In 1685-86, the resolu-

<sup>1</sup> Bruce, in. 526, 540, 584, 591. It was debated in the Privy Council, whether the charter of incorporation should be under the King's or the Company's seal. The King asked the Chairman his opinion, who replied, "that no person in India should be employed by immediate commission from his Majesty, because, if they were, they would be prejudicial to our service by their arrogance, and prejudicial to themselves, because the wind of extraordinary honour in their heads would probably make them so haughty and overbearing, that we should be forced to remove them." Letter from the Court to the President of Fort St. George, (Ib. 591). Hamilton, *ut supra*, (189—192). Orme's *Historical Fragments*, 185, 188, 192, 198.

<sup>2</sup> Mr. Orme is not unwilling to ascribe part of the hardships they ex-

tion was adopted of seeking redress and protection by force of arms. The greatest military equipment the Company had ever provided was sent to India. Ten armed vessels, from twelve to seventy guns, under the command of Captain Nicholson, and six companies of infantry, without captains, whose places were to be supplied by the Members of Council in Bengal, were dispatched, with instructions to seize and fortify Chittagong as a place of future security, and to retaliate in such a manner upon the Nabob and Mogul as to obtain reparation for the injuries and losses which had been already sustained. In addition to this force, the Directors, in the following year, made application to the King for an entire company of regular infantry with their officers; and power was granted to the Governor in India to select from the privates such men as should appear qualified to be commissioned officers in the Company's service. By some of those innumerable casualties, inseparable from distant expeditions, the whole of the force arrived not at one time in the Ganges; and an insignificant quarrel, between some of the English soldiers and the natives, was imprudently allowed to bring on hostilities, before the English were in a condition to maintain them with success. They were obliged to retire from Hoogly, after they had cannonaded it with the fleet, and took shelter at Chutanuttee, afterwards Calcutta, till an agreement with the Nabob, or additional forces, should enable them to resume their stations. The disappointment of their ambitious schemes was bitterly felt by the Court of Directors. They blamed their servants in Bengal in

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CHAP. 5.  
1685-87.

perienced to the interlopers, who, seeking protection against the oppressions of the Company, were more sedulous and skilful in their endeavours to please the native governors. Hist. Frag. 185.

BOOK I.  
CHAP. 5.

1689-98.

During these contests the French found an interval, in which they improved their footing in India. They had formed an establishment at Pondicherry, where they were at this time employed in erecting fortifications.<sup>1</sup>

The equipments for 1689-90 were on a reduced scale; consisting of three ships only, two for Bombay, and one for Fort St. George. They were equally small the succeeding year. We are not informed to what the number of ships or value of cargo amounted in 1691-2. In the following year, however, the number of ships was eleven; and was increased in 1693-4, to thirteen. In the following year there was a diminution, but to what extent does not appear. In each of the years 1695-6 and 1696-7, the number of ships was eight. And in 1697-8 it was only four.<sup>2</sup>

It was now laid down as a determinate object of policy, that independance was to be established in India; and dominion acquired. In the instructions forwarded in 1689, the Directors expounded themselves in the following words: "The increase of our revenue is the subject of our care, as much as our trade:—'tis that must maintain our force, when twenty accidents may interrupt our trade; 'tis that must make us a nation in India;—without that we are but as a great number of interlopers, united by his Majesty's royal charter, fit only to trade where nobody of power thinks it their interest to prevent us;—and upon this account it is, that the wise Dutch, in all their general advices which we have seen, write ten paragraphs concerning their government, their civil and military policy, warfare, and the increase

same caution on the one side as that of the Company on the other.  
New Account of India, 1 199—228

<sup>1</sup> Bruce, ii 605

<sup>2</sup> Ib iii 75, 87, 122, 139, 181, 203, 231

of their revenue, for one paragraph they write concerning trade."<sup>1</sup> It thus appears at how early a period, when trade and sovereignty were blended, the trade, as was abundantly natural, became an object of contempt; and by necessary consequence, a subject of neglect. A trade, the subject of neglect, is of course a trade without profit.

BOOK I.  
CHAP. 5.

1689-98.

This policy was so far gratified, about the same period, that Tegnapatam, a town and harbour on the Coramandel coast, a little to the south of Pondicherry, was obtained by purchase, and secured by grant from the country powers. It was strengthened by a wall and bulwarks, and named Fort St. David.<sup>2</sup>

A fact of much intrinsic importance occurs at this part of the history. Among the Christians of the East, the Armenians, during the power of the successors of Constantine, had formed a particular sect. When the countries which they inhabited were overrun by the Mahomedan arms, they were transplanted by force, in great numbers, into Persia, and dispersed in the surrounding countries. Under oppression, the Armenians adhered to their faith; and, addicting themselves to commerce, became, like the Jews in Europe, the merchants and brokers in the different countries to which they resorted.<sup>3</sup> A proportion of them made their way into India; and, by their usual industry and acuteness, acquired that share in the business of the country which was the customary reward of the qualities they displayed. The pecuniary pressure under which the Company at this

<sup>1</sup> Bruce, iii. 78.

<sup>2</sup> *Ib.* 120.

<sup>3</sup> See, in Gibbon, viii. 357 to 360, a train of allusions, as usual, to the history of the Armenians; and in his notes a list of its authors.—The principal facts regarding them, as a religious people, are collected with his usual industry and fidelity by Mosheim, *Ecclesiast. Hist.* iii. 493, 494, 495, and 412, 413.



BOOK I. time laboured, and under which, without ruinous  
 CHAP. 5 consequences, the increase of patronage could not be  
 1689-98. pursued, constrained the Directors to look out for  
 economical modes of conducting their trade. They accordingly gave instructions, that, instead of multiplying European agents in India, natives, and especially Armenians, should be employed: "because," to use the words of Mr. Bruce, copying or abridging the letters of the Court, "that people could vend English woollens, by carrying small quantities into the interior provinces, and could collect fine muslins, and other new and valuable articles, suited to the European demands, *better* than any agents of the Company could effect, under any phirmaund or grant which might be eventually purchased."<sup>1</sup>

The prosperity which the nation had enjoyed, since the death of Charles I., having reodered capital more abundaot, the eagerness of the mercantile population to enter into the channel of Indian enterprise and gain had proportionably iocreated; and the principles of liberty being now better understood, and actuating more strongly the breasts of Englishmen, not only had private ndventure, in more numerous instances, surmounted the barriers of the Company's monopoly, but the public in general at last disputed the power of a royal charter, unsupported by Parliamentary sanction, to limit the rights of one part of the people in favour of another, and to debar all but the East India Company from the commerce of India. Applications were made to Parliament for a new system of management in this branch of national affairs; and certain instances of severity, which were made to carry the appearance of atrocity, in the exercise of the powers of martial law assumed by the

<sup>1</sup> Bruce, iii, 88.

Company, in St. Helena and other places, served to augment the unfavourable opinion which was now rising against them.<sup>1</sup>

BOOK I.  
CHAP. 5.

1689-98.

The views of the House of Commons were hostile to the Company. A committee, appointed to investigate the subject, delivered it as their opinion on the 16th January, 1690, that a new Company should be established, and established by Act of Parliament; but that the present Company should carry on the trade exclusively, till the new Company were established.<sup>2</sup> The House itself in 1691, addressed the King to dissolve the Company, and incorporate a new one; when the King referred the question to a committee of the Privy Council.<sup>3</sup>

In the mean time the Company proceeded, in a spirit of virulence, to extinguish the hated competition of the general traders. "The Court," says Mr. Bruce, transcribing the instructions of 1691, "continued to act towards their opponents, interlopers, in the same manner as they had done in the latter years of the two preceding reigns; and granted commissions to all their captains, proceeding this season to India, to seize the interlopers of every description, and to bring them to trial before the Admiralty Court at Bombay;—explaining, that, as they attributed all the differences between the Company and the Indian powers to the interlopers, if they continued their depredations on the subjects of the Mogul or King of Persia, they were to be tried for their lives as pirates, and sentence of death passed; but execution stayed till the King's pleasure should be known."<sup>4</sup>

<sup>1</sup> Bruce, iii. 81; Macpherson's Annals, ii. 618; and Adam Smith, Wealth of Nations, iii. 132, who with his usual sagacity brings to view the causes of the principal events in the history of the Company.

<sup>2</sup> Bruce, iii. 82.

<sup>3</sup> Macpherson's Annals, ii. 648.

<sup>4</sup> Bruce, iii. 102.

BOOK I  
CHAP. 5.

1689-98.

The cruelty which marks these proceedings is obvious; and would hardly be credible if it were less strongly attested. The Company seized their opponents, and carried them before their own Admiralty Courts, that is, before themselves, to judge and pass sentence in their own cause, and inflict almost any measure of injury which it suited minds, inflamed with all the passions of disappointed avarice and ambition, to perpetrate. They accused their competitors of piracy, or of any other crime they chose; tried them, as they pleased, and sentenced them even to death: as if it were an act of mercy that they did not consign them to the executioner before the royal pleasure was known;—as if that pleasure could be as quickly known, in India, as it could in England;—as if the unfortunate victim might not remain for months and years in the dungeons of the Company, in a climate, where a sentence of imprisonment, for any length of time, to a European constitution, is a sentence of almost certain death; and where he could hardly fail to suffer the pains of many executions, beside the ruin of his affairs, in a land of strangers and enemies, even if his wretched life were protracted till his doom, pronounced at the opposite side of the globe, could be known. Mr. Bruce, with his usual alacrity of advocacy, says, “This proceeding of the Court rested upon the opinion of the twelve Judges, which was, that the Company had a right to the trade to the East Indies, according to their charter.”<sup>1</sup> Because the Judges

<sup>1</sup> *Ib* in 103. Sir Josiah Child, as chairman of the Court of Directors, wrote to the Governor of Bombay, to spare no severity to crush their countrymen who invaded the ground of the Company's pretensions in India. The Governor replied, by professing his readiness to omit nothing which lay within the sphere of his power to satisfy the wishes of the Company; but the laws of England unhappily would not let him proceed so far as might otherwise be desirable. Sir Josiah wrote back

said they had a right to the trade to the East Indies, they assumed a right to be judges and executioners of their fellow subjects, in their own cause. This was a bold conclusion. It was impossible that, under any colour of justice, the powers of judicature entrusted to the Company, by kingly without parliamentary authority, even if allowed, could be extended beyond their own servants, who voluntarily submitted to their jurisdiction. Over the rest of their fellow-subjects, it was surely sufficient power, if they were permitted to send them to England, to answer for their conduct, if challenged, before a tribunal, which had not an overbearing interest in destroying them.

BOOK I.  
CHAP. 5.

1693.

The King of 1693, like the King of any other period, preferred power in his own hands to power in the hands of the parliament, and would have been pleased to retain without participation the right of making or annulling exclusive privileges of trade. Notwithstanding the resolution of the committee of the House of Commons, that parliament should determine whatever regulations might be deemed expedient for the Indian trade, a new charter was granted by letters patent from the crown, as the proper mode of terminating the present controversies. The principal conditions were, that the capital of the Company, which was 756,000*l.* should be augmented by

with anger:—"That he expected his orders were to be his rules, and not the laws of England, which were an heap of nonsense, compiled by a few ignorant country gentlemen, who hardly knew how to make laws for the good of their own private families, much less for the regulating of Companies, and foreign commerce." (Hamilton's *New Account of India*, i. 232.) "I am the more particular," adds Captain Hamilton, "on this account, because I saw and copied both those letters in Anno 1696, while Mr. Vaux [the Governor to whom the letters were addressed] and I were prisoners at Surat, on account of Captain Every's robbing the Mogul's great ship, called the *Gunsway*." Bruce, iii. 233.

BOOK I. 744,000*l.*,<sup>1</sup> so as to raise it to 1,500,000*l.*; that their  
 CHAP. 5. exclusive privileges should be confirmed for twenty-  
 1693. one years; that they should export 100,000*l.* of  
 British produce annually; that the title to a vote in  
 the court of Proprietors should be 1000*l.*; and that  
 no more than ten votes should be allowed to any in-  
 dividual.<sup>1</sup>

The pretensions, however, of the House of Commons brought this important question to a different issue. Towards the close of the very same season, that assembly came to a vote, "that it was the right of all Englishmen to trade to the East Indies, or any part of the world, unless prohibited by act of parliament:"<sup>2</sup> and Willim knew his situation too well to dispute their authority.

The Company laboured under the most pressing embarrassments. Though their pecuniary difficulties, through the whole course of their history, have been allowed as little as possible to meet the public eye, what we happen to be told of the situation at this time of the Presidency at Surat affords a lively idea of the financial distresses in which they were involved. Instead of eight lacks of rupees, which it was expected would be sent from Bombay to Surat; to purchase goods for the homeward voyage, only three lacks and a half were received. The debt at Surat already amounted to twenty lacks; yet it was absolutely necessary to borrow money to purchase a cargo for even three ships. A loan of one lack and 80,000 rupees was necessary to complete this small investment.<sup>3</sup> To raise this sum, it was necessary to allow to individuals the privileges of the contract which subsisted with the Armenian merchants.<sup>3</sup> And

<sup>1</sup> Bruce, iii. 133—135. Macpherson's Annals, ii. 649. <sup>2</sup> *Ib* 142.

<sup>3</sup> We know not the terms of that contract, nor how a participation in its privileges could be granted to individuals without a breach of faith toward the Armenian merchants.

after all these exertions the money could only be obtained by taking it up on loans from the Company's servants.<sup>1</sup>

BOOK I.  
CHAP. 5.

1693-98.

The Company meanwhile did not neglect the usual corrupt methods of obtaining favours at home. It appeared that they had distributed large sums of money, to men in power, before obtaining their charter. The House of Commons were, at the present period, disposed to inquire into such transactions. They ordered the books of the Company to be examined; where it appeared that it had been the practice, and even habit of the Company, to give bribes to great men; that, previous to the revolution, their annual expense under that head had scarcely ever exceeded 1,200*l.*; that since the revolution it had gradually increased; and that in the year 1693, it had amounted to nearly 90,000*l.* The Duke of Leeds, who was charged with having received a bribe of 5,000*l.* was impeached by the Commons. But the principal witness against him was sent out of the way, and it was not till nine days after it was demanded by the Lords that a proclamation was issued to stop his flight. Great men were concerned in smothering the inquiry; parliament was prorogued; and the scene was here permitted to close.<sup>2</sup>

As the science and art of government were still so imperfect as to be very unequal to the suppression of crimes, and robberies and murders were prevalent even in the best regulated countries in Europe; so depredation was committed on the ocean under still less restraint, and pirates abounded wherever the amount of property at sea afforded an adequate temptation. The fame of Indian riches attracted to the

<sup>1</sup> Bruce, iii. 167.

<sup>2</sup> Macpherson's Annals, ii. 652, 662; 10,000*l.* is said to have been traced to the King.

BOOK I. Eastern seas' adventurers of all nations; some of  
 CHAP. 5. whom were professed pirates; others, men preferring  
 1693-98. honest trade; though, when they found themselves  
 - debarred from this source of profit, by the pretensions and power of monopoly, they had no such aversion to piracy as to reject the only other source of which they were allowed to partake. The moderation which, during some few years, the Company had found it prudent to observe in their operations for restraining the resort of private traders to India, had permitted an increase of the predatory adventurers. As vessels belonging to Mogul subjects fell occasionally into the hands of plunderers of the English nation, the Mogul government, too ignorant and headlong to be guided by any but the rudest appearances, held the Company responsible for the misdeeds of their countrymen; and sometimes proceeded to such extremities as to confiscate their goods and confine their servants. The Company, who would have been justified in requiring aid at the hands of government for the remedy of so real a grievance, made use of the occasion as a favourable one for accumulating odium upon the independent traders. They endeavoured to confound them with the pirates. They imputed the piracies in general to the interlopers as they called them. In their complaints to government they represented the interlopers and the depredations of which they said they were the authors, as the cause of all the calamities to which, under the Mogul government, the Company had been exposed. The charge, in truth, of piracy became a general calumny, with which all the different parties in India endeavoured to blacken their competitors; and the Company itself, when the new association of merchants trading to India began to rival them, were as strongly accused of acting the

pirates in India, as the individual traders had been by themselves.<sup>1</sup>

BOOK I.  
CHAP. 5.

1698.

Such was the situation of the Company in England, and in India, when the influence of the rival association threatened them with destruction. In the year 1698 both parties were urging their pretensions with the greatest possible zeal, when the necessities of the government pointed out to both the project of bribing it by the accommodation of money. The Company offered to lend to government 700,000*l.* at 4 per cent. interest, provided their charter should be confirmed, and the monopoly of India secured to them by act of parliament. Their rivals, knowing on how effectual an expedient they had fallen, resolved to augment the temptation. They offered to advance 2,000,000*l.* at 8 per cent. provided they should be invested with the monopoly, free from obligation of trading on a joint-stock, except as they themselves should afterwards desire.<sup>2</sup>

A bill was introduced into parliament for carrying the project of the new association into execution. And the arguments of the two parties were brought forward in full strength and detail.<sup>3</sup>

On the part of the existing Company, it was represented; That they possessed charters; that the infringement of charters was contrary to good faith, contrary to justice, and in fact no less imprudent than it was immoral, by destroying that security of en-

<sup>1</sup> Bruce, iii, 146, 186. "Sir Nicolas Waite [Consul of the Association] addressed a letter," says Mr. Bruce, "to the Mogul, accusing the London Company of being sharers and abettors of the piracies, from which his subjects and the trade of his dominions had suffered, or, in the Consul's coarse language, *of being thieves and confederates with the pirates.*" Ib. 387.

<sup>2</sup> Anderson's Hist. Macpherson's Annals, ii. 694. Bruce, iii. 252, 253.

<sup>3</sup> Bruce, iii. 253. Macpherson, ii. 694.



BOOK I.  
CHAP. 5.

1698. gagements on which the industry of individuals and the prosperity of nations essentially depend: That the East India Company, moreover, had property, of which to deprive them would be to violate the very foundation on which the structure of society rests; that they were the Lords-Proprietors, by royal grant, of Bombay and St. Helena; that they had in India at their own expense, and by their own exertions, acquired immovable property, in lands, in houses, in taxes and duties, the annual produce of which might be estimated at 44,000*l.*: That at great expense they had erected fortifications in various parts of India; by which they had preserved to their country the Indian trade; and had built factories and purchased privileges of great importance to the nation; enterprises to which they could have been induced by nothing but the hope and prospect of national support: That the resources and abilities of the Company were proved, by the estimate of their quick and dead stock; and that a capital of two millions would be raised immediately by subscription: That the project, on the contrary, of the new association made no provision for a determinate stock; and the trade, which experience proved to require an advance of 600,000*l.* annually, might thus be lost to the nation, for want of sufficient capital to carry it on: That justice to individuals, as well as to the public, required the continuance of many families, the property and even subsistence of many families, widows, and orphans, was involved in the fate of the Company: In short, that humanity, law, and policy, would all be equally violated by infringing the chartered rights of this admirable institution.<sup>1</sup>

The new association replied; That it was no in-

<sup>1</sup> Bruce, iii. 253. Anderson's *History of Commerce*; Macpherson, ii. 691, 695.

fringement of good faith or justice, to annul, by a legislative act, a charter which was hostile to the interests of the nation; because that would be to say, if a government has once committed an error, that it is not lawful to correct itself; it would be to say that, if a nation has once been rendered miserable, by erroneous institutions of government, it must never try to rescue itself from its misery: That the practical rule of the British government, as many precedents abundantly testified, had been, to set at nought the pretended inviolability of charters, as often as they were proved to be unprofitable or injurious: That not only had charters been destroyed by act of parliament, but even the judges at law (so little in reality was the respect which had been paid to charters) had often set them aside, by their sole authority, on the vague and general ground that the King had been deceived in his grant: That, if any chartered body was entitled to complain of being dissolved, in obedience to the dictates of utility, it was certainly not the East India Company, whose charter had been originally granted, and subsequently renewed, on the invariable condition of being terminated, after three years' notice, if not productive of national advantage: To display the property which the Company had acquired in India, and to pretend that it gave them a right to perpetuity of charter, was nothing less than to insult the supreme authority of the state; by telling it, that, be the limitations what they might, under which the legislature should grant a charter, it was at all times in the power of the chartered body to annul those limitations, and mock the legislative wisdom of the nation, simply by acquiring property: That, if the Company had erected forts and factories, the question still remained, whether they carried on the trade more profitably by their charter than the nation could

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CHAP. 5

1698.

carry it on if the charter were destroyed: That the nation and its constituted authorities were the sole judge in this controversy; of which the question whether the nation or the Company were most likely to fail in point of capital, no doubt formed a part: That if inconvenience, and in some instances distress, should be felt by individuals, this deserved consideration, and, in the balance of goods and evils, ought to be counted to its full amount: but to bring forward the inconvenience of individuals, as constituting in itself a conclusive argument against a political arrangement, is as much as to say that no abuse should be ever remedied; because no abuse is without its profit to somebody, and no considerable number of persons can be deprived of customary profits without inconvenience to most, hardship to many, and distress to some.<sup>1</sup>

The new associators, though thus strong against the particular pleas of their opponents, were debarred the use of those important arguments which bore upon the principle of exclusion; and which, even in that age, were urged with great force against the Company. They who were themselves endeavouring to obtain a monopoly could not proclaim the evils which it was the nature of monopoly to produce. The pretended rights of the Company to a perpetuity of their exclusive privileges, for to that extent did their arguments reach, were disregarded by every body, and an act was passed, empowering the King to convert the new association into a corporate body, and to bestow upon them the monopoly of the Indian trade. The charters, the property, the privileges, the forts and factories of the Company in India, and their claims of merit with

<sup>1</sup> Bruce, iii 253, 254    Anderson's History of Commerce, Macpherson, ii 695

the nation, if not treated with contempt, were at least held inadequate to debar the legislative wisdom of the community from establishing for the Indian trade whatever rules and regulations the interest of the public appeared to require.<sup>1</sup>

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CHAP. 5.

1698.

The following were the principal provisions of the act: That the sum of two millions should be raised by subscription, for the service of government: that this subscription should be open to natives or foreigners, bodies politic or corporate: that the money so advanced should bear an interest of 8 per cent. per annum: that it should be lawful for his Majesty, by his letters patent, to make the subscribers a body politic and corporate, by the name of the "General Society:" that the subscribers severally might trade to the East Indies, each to the amount of his subscription: that if any or all of the subscribers should be willing and desirous, they might be incorporated into a joint-stock Company: that the subscribers to this fund should have the sole and exclusive right of trading to the East Indies: that on three years' notice, after the 29th of September, 1711, and the repayment of the capital of 2,000,000*l.* this act should cease and determine: that the old or London Company, to whom three years' notice were due, should have leave to trade to India till 1701: that their estates should be chargeable with their debts: and that if any further dividends were made before the payment of their debts, the members who received them should be responsible for the debts with their private estates to the amount of the sums thus unduly received.

This measure, of prohibiting dividends while debt is unpaid, or of rendering the Proprietors responsible

<sup>1</sup> Bruce, iii. 255. Macpherson, ii. 696.

BOOK I. with their fortunes to the amount of the dividends  
 CHAP. 5 received, befitted the legislative justice of a nation.

1698. A clause, on the same principle, was enacted with regard to the New Company, that they should not allow their debts at any time to exceed the amount of their capital stock; or, if they did, that every proprietor should be responsible for the debts with his private fortune, to the whole amount of whatever he should have received in the way of dividend or share after the debts exceeded the capital.<sup>1</sup>

This good policy was little regarded in the sequel.

In conformity with this act a charter passed the great seal, bearing date the 3d of September, constituting the subscribers to the stock of 2,000,000*l.* a body corporate under the name of the "General Society." This charter empowered the subscribers to trade, on the terms of a regulated Company, each subscriber for his own account. The greater part, however, of the subscribers desired to trade upon a joint-stock: and another charter, dated the 5th of the same month, formed this portion of the subscribers, exclusive of the small remainder, into a joint-stock Company, by the name of "the English Company trading to the East Indies."<sup>2</sup>

"In all this very material affair," says Anderson, "there certainly was a strange jumble of inconsistencies, contradictions, and difficulties, not easily to be accounted for in the conduct of men of judgment."<sup>3</sup> The London Company, who had a right by their charter to the exclusive trade to India till three years after notice, had reason to complain of this injustice, that

<sup>1</sup> Statute 9 & 10 W. III c. 44

<sup>2</sup> Macpherson's *Annals*, ii 699. Bruce, iii. 257, 258 Preamble to the Stat 6 A c 17

<sup>3</sup> Anderson's *Hist of Commerce*, Macpherson, ii 700

the English Company were empowered to trade to India immediately, while they had the poor compensation of trading for three years along with them. There was palpable absurdity in abolishing one exclusive company, only to erect another; when the former had acted no otherwise than the latter would act. Even the departure from joint-stock management, if trade on the principle of individual inspection and personal interest had been looked to as the source of improvement, might have been accomplished, without the erection of two exclusive companies, by only abolishing the joint-stock regulation of the old one. But the chief mark of the ignorance of parliament, at that time, in the art and science of government, was, their abstracting from a trading body, under the name of loan to government, the whole of their trading capital; and expecting them to traffic largely and profitably when destitute of funds. The vast advance to government, which they feebly repaid by credit, beggared the English Company, and ensured their ruin, from the beginning.

The old, or London Company, lost not their hopes. They were allowed to trade for three years on their own charter; and availing themselves of the clause in the act, which permitted corporations to hold stock of the New Company, they resolved to subscribe into this fund as largely as possible; and, under the privilege of private adventure, allowed by the charter of the English Company, to trade, separately, and in their own name, after the three years of their charter should be expired. The sum which they were enabled to appropriate to this purpose was 315,000*l*.<sup>1</sup>

In the instructions to their servants abroad they

<sup>1</sup> Bruce, iii. 256, 257. Macpherson, ii. 700. Smith's *Wealth of Nations*, iii. 133.

BOOK I. represented the late measures of parliament as rather  
 CHAP. 5. the result of the power of a particular party than the  
 1698-99. fruit of legislative wisdom: "The Interlopers," so they called the New Company, "had prevailed by their offer of having the trade free, and not on a joint-stock;" but they were resolved by large equipments (if their servants would only second their endeavours) to frustrate the speculations of those opponents: "Two East India Companies in England," these are their own words, "could no more subsist without destroying one the other, than two Kings, at the same time regnant in the same kingdom: that now a civil battle was to be fought between the Old and the New Company; and that two or three years must end this war, as the Old or the New must give way: that, being veterans, if their servants abroad would do their duty they did not doubt of the victory: that if the world laughed at the pains the two Companies took to ruin each other they could not help it, as they were on good ground and had a charter."<sup>1</sup>

When the time arrived for paying the instalments of the subscriptions to the stock of the New Company, many of the subscribers, not finding it easy to fulfil their engagements, were under the necessity of selling their shares. Shares fell to a discount; and the despondency, hence arising, operated to produce still greater depression.<sup>2</sup>

The first voyage which the New Company fitted out, consisted of three ships with a stock of 178,000l.<sup>3</sup> To this state of imbecility did the absorption of their capital reduce their operations. The sum to which they were thus limited for commencing their trade but little exceeded the interest which they were annually to receive from government.

<sup>1</sup> Bruce, iii. 257.

<sup>2</sup> *Ib.* 259, 260.

<sup>3</sup> *Ib.* 285.

With such means the New Company proved a very unequal competitor with the Old. The Equipments of the Old Company, for the same season, 1698-99, amounted to thirteen sail of shipping, 5,000 tons burthen, and stock estimated at 525,000*l*. Under the difficulties with which they had to contend at home, they resolved by the most submissive and respectful behaviour, as well as by offer of services, to cultivate the favour of the Moguls. Their Endeavours were not unsuccessful. They obtained a grant of the towns of Chuttanuttee, Govindpore, and Calcutta, and began, but cautiously, so as not to alarm the native government, to construct a fort. It was denominated Fort William; and the station was constituted a Presidency.<sup>1</sup>

To secure advantages to which they looked from their subscription of 315,000*l*. into the stock of the English Company, they had sufficient influence to obtain an act of parliament, by which they were continued a corporation, entitled, after the period of their own charter, to trade, on their own account, under the charter of the New Company, to the amount of the stock they had subscribed.<sup>2</sup>

The rivalry of the two Companies produced, in India, all those acts of mutual opposition and hostility, which naturally flowed from the circumstances in which they were placed. They laboured to supplant one another in the good opinion of the native inhabitants and the native governments. They defamed one another. They obstructed the operations of one another. And at last their animosities and contentions broke out into undissembled violence and oppression. Sir William Norris, whom the New Company, with the King's permission, had sent as

<sup>1</sup> Bruce, 264, 268, 300.      <sup>2</sup> Ib. iii. 293, 326, 350.



BOOK I. nation," they made a proposition to pay off the  
 CHAP 5. 2,000,000*l.* which government had borrowed at usu-

1701. rious interest from the English Company, and to hold the debt at five per cent. The proposal, though entertained by the committee, was not relished by the House; and this project was defeated.<sup>1</sup> The distress, however, in which the Company were now involved, their stock having within the last ten years fluctuated from 300 to 37 per cent,<sup>2</sup> rendered some speedy remedy indispensable. The committee of seven, which had been proposed in the Answer to the King, was now resorted to in earnest, and was empowered by a General Court, on the 17th of April, 1701, to make and receive proposals for the union of the two Companies.

It was the beginning of January, in the succeeding year, before the following general terms were adjusted and approved: That the Court of twenty-four Managers or Directors should be composed of twelve individuals chosen by each Company; that of the annual exports, the amount of which should be fixed by the Court of Managers, a half should be furnished by each Company; that the Court of Managers should have the entire direction of all matters relating to trade and settlements subsequently to this union; but that the factors of each Company should manage separately the stocks which each had sent out previously to the date of that transaction; that seven years should be allowed to wind up the separate concerns of each Company; and that, after that period, one great joint-stock should be formed by the final union of the funds of both. This agreement

<sup>1</sup> Bruce, 124

<sup>2</sup> Anderson's Hist. of Commerce, Macpherson, ii 705

was confirmed by the General Courts of both Companies on the 27th April, 1702.<sup>1</sup>

BOOK I.  
CHAP. 5.

1702.

An indenture tripartite, including the Queen and the two East India Companies, was the instrument adopted for giving legal efficacy to the transaction. For equalizing the shares of the two Companies, the following scheme was devised. The London Company, it was agreed, should purchase at par as much of the capital of the English Company, lent to government, as, added to the 315,000*l.* which they had already subscribed, should render equal the portion of each. The dead stock of the London Company was estimated at 330,000*l.*; that of the English Company at 70,000*l.*; whereupon, the latter paid 130,000*l.* for equalizing the shares of this part of the common estate. On the 22d July, 1702, the indenture passed under the great seal; and the two parties took the common name of *The United Company of Merchants trading to the East Indies*.<sup>2</sup>

On the foundation on which the affairs of the two Companies were in this manner placed, they continued, with considerable jarrings and contention, especially between the functionaries in India, till the

<sup>1</sup> Bruce, iii. 424 to 426. Of the subtleties which at this time entered into the policy of the Company, the following is a specimen. Sir Basil Firebrace, or Firebrass, a notorious jobber who had been an interloper, and afterwards joined with the London Company, was now an intriguer for both Companies. At a General Court of the London Company, on the 23d April, 1701, this man stated, that he had a scheme to propose, which he doubted not would accomplish the union desired; but required to know what recompense should be allowed him, if he effected this important end. By an act of the Court, the committee of seven were authorized to negotiate, with Sir Basil, the recompense which he ought to receive; and after repeated conferences with the gentleman, they proposed to the Court of Committees, that if he effected the union, 150,000*l.* of the stock of the Company should be transferred to him on his paying 80*l.* per cent. In other words, he was to receive 20 per cent. on 150,000*l.* or a reward of 30,000*l.* for the success of his intrigues. Ibid. See also Macpherson, ii. 663.

<sup>2</sup> Bruce, iii. 486 to 491.

BOOK I. season 1707-8, when an event occurred, which ne-  
 CHAP. 5. cessitated the accommodation of differences, and  
 1708. accelerated the completion of the union. A loan of  
 1,200,000*l.*, without interest, was exacted of the  
 two Companies for the use of government. The re-  
 collection of what had happened, when the body of  
 private adventurers were formed into the English  
 East India Company, made them dread the offers of  
 a new body of adventurers, should any difficulty be  
 found on their part. It was necessary, therefore,  
 that the two Companies should lay aside all separate  
 views, and cordially join their endeavours to avert the  
 common danger.

It was at last agreed, that all differences subsist-  
 ing between them should be submitted to the arbi-  
 tration of the Earl of Godolphin, then Lord High  
 Treasurer of England; and that the union should be  
 rendered complete and final upon the award which he  
 should pronounce. On this foundation, the act, 6th  
 Anne, ch. 17, was passed; enacting that a sum of  
 1,200,000*l.* without interest should be advanced by  
 the United Company to government, which, being  
 added to the former advance of 2,000,000*l.* at 8 per  
 cent. interest, constituted a loan of 3,200,000*l.*  
 yielding interest at the rate of 5 per cent. upon the  
 whole; that to raise this sum of 1,200,000*l.* the Com-  
 pany should be empowered to borrow to the extent of  
 1,500,000*l.* on their common seal, or to call in  
 moneys to that extent from the Proprietors; that this  
 sum of 1,200,000*l.* should be added to their capital  
 stock; that instead of terminoting on three years' no-  
 tice after the 29th of September, 1711, their privi-  
 leges should be continued till three years notice after  
 the 25th of March, 1726, and till repayment of their  
 capital; that the stock of the separate adventures of  
 the General Society, amounting to 7,200*l.*, which had

never been incorporated into the joint-stock of the English Company, might be paid off, on three years' notice after the 29th of September, 1711, and merged in the joint-stock of the United Company; and that the award of the Earl of Godolphin, settling the terms of the Union, should be binding and conclusive on both parties.<sup>1</sup>

BOOK I.  
CHAP. 5.  
1708.

The award of Godolphin was dated and published on the 29th of September, 1708. It referred solely to the winding up of the concerns of the two Companies; and the blending of their separate properties into one stock, on terms equitable to both. As the assets or effects of the London Company in India fell short of the debts of that concern, they were required to pay by instalments to the United Company the sum of 96,615*l.* 4*s.* 9*d.*: and as the effects of the English Company in India exceeded their debts, they were directed to receive from the United Company the sum of 66,005*l.* 4*s.* 2*d.*; a debt, due by Sir Edward Littleton in Bengal, of 80,437 rupees and 8 anas, remaining to be discharged by the English Company on their own account. On these terms the whole of the property and debts of both Companies abroad became the property and debts of the United Company. With regard to the debts of both Companies in Britain, it was in general ordained that they should all be discharged before the 1st of March, 1709; and as those of the London Company amounted to the sum of 399,795*l.* 9*s.* 1*d.* they were empowered to call upon their Proprietors, by three several instalments, for the means of liquidation.<sup>2</sup>

As the intercourse of the English nation with the people of India was now destined to become, by a rapid progress, both very intimate, and very exten-

<sup>1</sup> Bruce, iii. 635 to 639; Stat. 6 A. c. 17.

<sup>2</sup> Ib. 667 to 679. Macpherson, iii. 1, 2.

BOOK I. sive, a full account of the character and circumstances  
 CHAP. 5. of that people is required for the understanding of the  
 1708. subsequent proceedings and events.

The population of those great countries consisted chiefly of two Races : one, who may here be called the Hindu ; another, the Mahomedan Race. The first were the aboriginal inhabitants of the country. The latter were subsequent invaders ; and insignificant, in point of number, compared with the first.

The next two Books will be devoted to the purpose of laying before the reader all that appears to be useful in what is known concerning both these classes of the Indian people. To those who delight in tracing the phenomena of human nature ; and to those who desire to know completely the foundation upon which the actions of the British people in India have been laid, this will not appear the least interesting department of the work.

## BOOK II.

### OF THE HINDUS.

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#### CHAP. I.

#### *Chronology and Ancient History of the Hindus.*

**R**UDE nations seem to derive a peculiar gratification from pretensions to a remote antiquity.<sup>1</sup> As a BOOK II.  
CHAP. 1. boastful and turgid vanity distinguishes remarkably the oriental nations they have in most instances carried their claims extravagantly high. We are informed in a fragment of Chaldaic history, that there were written accounts, preserved at Babylon with

<sup>1</sup> Mr. Gibbon remarks, (Hist. Decl. and Fall of the Roman Empire, p. 350,) that the wild Irishman, as well as the wild Tartar, can point out the individual son of Japhet from whose loins his ancestors were lineally descended.—According to Dr. Keating (History of Ireland, 13), the giant Partholanus, who was the son of Seara, the son of Esra, the son of Sru, the son of Framant, the son of Fathaclan, the son of Magog, the son of Japhet, the son of Noah, landed on the coast of Munster, the 14th day of May, in the year of the world 1978.—The legends of England are not less instructive. A fourth or sixth son of Japhet named Samothès, having first colonized Gaul, passed over into this island, which was thence named Samothia, about 200 years after the flood; but the Samothians being some ages afterwards subdued by Albion, a giant son of Neptune, he called the island after his own name, and ruled it forty-four years. See the story, with some judicious reflections, in Milton's History of England (Prose Works of Milton, iv. 3. Ed. 1806). "The Athenians boasted that they were as ancient as the sun. The Arcadians pretended they were older than the moon. The Lacedæmonians called themselves the sons of the earth, &c. such in general was the madness of the ancients on this subject! They loved to lose themselves in an abyss of ages which seemed to approach eternity." Goguet, Origin of Laws, v. i. b. 1. ch. 1, art. 5. See the authorities there quoted.

BOOK II the greatest care, comprehending a term of fifteen  
 CHAP. 1. myriads of years.<sup>1</sup> The pretended duration of the Chinese monarchy is still more extraordinary. A single king of Egypt was believed to have reigned three myriads of years.<sup>2</sup>

The present age of the world, according to the system of the Hindus, is distinguished into four grand periods, denominated yugs. The first is the Satya yug, comprehending 1,728,000 years; the second the Treta yug, comprehending 1,296,000 years; the third the Dwapar yug, including 864,000 years; and the fourth the Cali yug, which will extend to 432,000 years. Of these periods the first three are expired, and in the year 1817 of the Christian era, 4911 years of the last. From the commencement, therefore, of the Satya yug, to the present time, is comprehended a space of 3,892,911 years, the antiquity to which this people lay claim.<sup>3</sup>

<sup>1</sup> Eusebii Chronicon, p 5 Syncelli Chronograph p 28 Bryant's Ancient Mythology, iv 127 8vo edit

<sup>2</sup> Syncelli Chronicon, p 51 Herodotus informs us, (lib ii c 2,) that the Egyptians considered themselves as the most ancient of mankind, till an experiment made by Psammetichus convinced them that the Phrygians alone preceded them But the inhabitants of the further Peninsula of India make the boldest incursions into the regions of past times The Burmans, we are informed by Dr Buchanan, (As Res vi. 181,) believe that the lives of the first inhabitants of their country lasted one *assenchiu*, a period of time of which they thus communicate an idea "If for three years it should rain incessantly over the whole surface of this earth, which is 1,203,400 *juzam* in diameter, the number of drops of rain falling in such a space and time, although far exceeding human conception, would only equal the number of years contained in one *assenchiu*"

<sup>3</sup> Sir William Jones's Discourse on the Chronology of the Hindus, (As. Res ii 111, 8vo Ed) also that on the Gods of Greece, Italy, and India, (Ibid i 221.)—See too Mr Bentley's Remarks on the principal Eras and Dates of the ancient Hindus, (Ibid v 315); and the Discourse of Captain F. Wilford on the Chronology of the Hindus, in the same volume, p 24.—Consult also Mr Marsden's Discourse on the Chronology of the Hindus, (Phil Trans lxxx 568) These authors, having all drawn from the same sources, display an appearance of uni-

The contempt with which judicious historians now BOOK II.  
treat the historical fables of early society, must be CHAP. 1.  
indulged with caution when we explore the ancient  
condition of Hindustan; because the legendary tales  
of the Hindus have hitherto, among European in-  
quirers, been regarded with particular respect; and  
because, without a knowledge of them, much of what  
has been written in Europe concerning the people of  
India cannot be understood.<sup>1</sup> It is necessary, there-

formity and certainty in this part of the Hindu system. It is amusing  
to contemplate the wavering results of their predecessors. Mr. Halhed,  
in the preface to his Translation of the Code of Gentoo Laws, thus states  
the number of years, and thus spells the names of the epochs; 1. The  
Suttee Jogue, 3,200,000 years; 2. The Tirtali Jogue, 2,400,000 years;  
3. the Dwapaar Jogue, 1,600,000; 4. the Collee Jogue, 400,000.—  
Colonel Dow marks the Suttee Jogue at 14,000,000; the Tirtali Jogue  
at 1,080,000; the Dwapaar Jogue, 72,000; and the Collee Jogue,  
36,000 years. (History of Hindostan, i. 2.)—M. Bernier, whose know-  
ledge of India was so extensive and accurate, gives, on the information  
of the Brahmens of Benares, the Satya yug at 2,500,000 years, the  
Treta at 1,200,000, the Dwapar at 864,000, and assigns no period to  
the Cali yug. (Voyages, ii. 160.)—Messrs. Roger and le Gentil, who re-  
ceived their accounts from the Brahmens of the coast of Coromandel,  
coincide with Sir William Jones, except that they specify no duration  
for the Cali yug. (Porte Ouverte, p. 179; Mem. de l'Academ. des  
Sciences pour 1772, tom. ii. part 1. p. 17.)—The account of Anquetil  
Duperron agrees in every particular with that of Sir W. Jones; Re-  
cherches Historiques et Geographiques sur l'Inde, Lettre sur les Anti-  
quités de l'Inde.—The four ages of the Mexicans bear a remarkable re-  
semblance to those of the Hindus, and of so many other nations. “All  
the nations of Anahuac (says Clavigero, History of Mexico, B. vi. sect.  
24,) distinguished four ages of time by as many suns. The first, named  
Atonatiuh, that is, the sun (or the age) of water, commenced with the  
creation of the world, and continued until the time at which all mankind  
perished in a general deluge along with the first sun. The second, Tlal-  
tonatiuh, the age of earth, lasted from the deluge until the ruin of the  
giants, &c. The third, Ehécatonatiuh, the age of air, lasted from the  
destruction of the giants, till the great whirlwinds, &c. The fourth,  
Tletonatiuh, commenced at the last-mentioned catastrophe, and is to last  
till the earth be destroyed by fire.

The reader will by and bye be prepared to determine for himself  
how far the tales of the Brahmens deserve exemption from the sentence  
which four great historians have, in the following passages, pronounced  
on the fanciful traditions of early nations. “The curiosity,” says Mr.



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fore, to relate, that at the commencement of the Satya yug, or 3,892,911 years ago, lived Satyavrata, otherwise, denominated Vaivaswata, and; also, the seventh Menu. He had escaped with his family from an universal deluge, which had destroyed the rest of the human species.<sup>1</sup> Of his descendants were two royal branches, the one denominated the children of the sun, the other the children of the moon. The first reigned at Ayodhya or Owde; the second at Pratisht'hana or Vitora. These families or dynasties subsisted till the thousandth year of the present or Cali yug, at which time they both became extinct;

Hume, "entertained by all civilized nations, of inquiring into the exploits and adventures of their ancestors, commonly excites a regret that the history of remote ages should always be so much involved in obscurity, uncertainty, and contradiction \* \* \* The fables which are commonly employed to supply the place of true history ought entirely to be disregarded, or, if any exception be admitted to this general rule, it can only be in favour of the ancient Grecian fictions, which are so celebrated and so agreeable, that they will ever be the objects of the attention of mankind" (Hume's History of England, i ch 1)—  
"Nations," says Robertson, "as well as men, arrive at maturity by degrees, and the events which happened during their infancy or early youth cannot be recollected, and deserve not to be remembered \* \* \* Every thing beyond that short period, to which well attested annals reach, is obscure, an immense space is left for invention to occupy, each nation, with a vanity inseparable from human nature, hath filled that void with events calculated to display its own antiquity and lustre. And history, which ought to record truth, and teach wisdom, often acts out with retailing fictions and absurdities" (Robertson's History of Scotland, i b 1)—Mr Gibbon, speaking of a people (the Ambians) who in traditions and antiquity bear some resemblance to the Hindus, says, "I am ignorant, and I am careless, of the blind mythology of the Barbarians" (History of the Decline and Fall of the Roman Empire ix 241, 8vo edit) Of a people still more remarkably resembling the Hindus, he says, "We may observe, that after an ancient period of fables, and a long interval of darkness, the modern histories of Persia begin to assume an air of truth with the dynasty of the Sassanides" (Ib i 341)—"Quæ ante conditam condendamque urbem, poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec affirmare nec refellere in noim est Livii Prefat

<sup>1</sup> The coincidence in the tradition respecting Satyavrata and the history of Noah are very remarkable, and will be further noticed hereafter

and a list of the names of the successive princes is presented in the Sanscrit books.<sup>1</sup>

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Satyaavrata, the primitive sire, prolonged his existence and his reign through the whole period of the Satya yug, or 1,728,000 years.<sup>2</sup> From this patriarchal monarch are enumerated, in the solar line of his descendants, fifty-five princes, who inherited the sovereignty till the time of Rama. Now it is agreed among all the Brahmens that Rama filled the throne of Ayodhya at the end of the Treta yug. The reigns, therefore, of these 55 princes, extending from the beginning to the end of that epoch, filled 1,296,000 years, which, at a medium, is more than 23,000 years to each reign. During the next, or Dwapar yug, of 864,000 years, twenty-nine princes are enumerated, who must, at an average, have reigned each 29,793 years. From the beginning of the present, or Cali yug, to the time when the race of solar princes became extinct, are reckoned 1000 years, and thirty princes. There is a wonderful change, therefore, in the last age, in which only thirty-three years, at a medium, are assigned to a reign.<sup>3</sup>

<sup>1</sup> Sir Wm. Jones, As. Res. ii. 119, 120, 127.

<sup>2</sup> Sir Wm. Jones, *Ib.* 126. He was the son of Surya, (or *Sol*), the son of Casyapa (or *Uranus*), the son of Marichi (or *Light*), the son of Brahma, "which is clearly," says Sir Wm. Jones, "an allegorical pedigree." The Hindu pedigrees and fables, however, being very variable, he is, in the opening of the fourth book of the Gita, called, not the son of the Sun, but the Sun himself. Sir Wm. Jones, *Ib.* 117. In a celestial pedigree the Hindus agree with other rude nations. There is a curious passage in Plato respecting the genealogy of the Persian kings. They were descended, he says, from Achæmenes, sprung from Perseus the son of Zeus (Jupiter.) *Plat. Alcib. i.*

<sup>3</sup> Compare the list of princes in the several yugs, exhibited in the Discourse of Sir Wm. Jones, As. Res. iii. 128 to 136, with the assigned duration of the yugs. The lineage of the lunar branch, who reigned in Pratisht'hana, or Vitora, during exactly the same period, is in all respects similar, excepting that the number of princes, in the first two ages, is in this line fewer by fifteen than in the line of solar princes.

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Beside the two lines of solar and lunar kings, a different race, who reigned in Magadha, or Bahar, commence with 'the fourth age.' Of these, twenty in regular descent from their ancestor Jarasandha extended to the conclusion of the first thousand years of the present yug, and were cotemporary with the last thirty princes of the solar and lunar race.<sup>1</sup> At the memorable epoch, of the extinction of those branches, the house of Jarasandha also failed; for the reigning prince was slain by his prime minister, who placed his son Pradyota on the throne. Fifteen of the descendants of this usurper enjoyed the sovereignty, and reigned from the date of his accession 498 years, to the time of Nanda, the last prince of the house of Pradyota. He, after a reign of 100 years, was murdered by a Brahmen, who raised to the throne a man of the Maurya race, named Chandragupta. This prince is reckoned, by our Oriental antiquarians, the same with Sandincottos or Sandracuptos, the cotemporary of Alexander the Great. Only nine princes of his line succeeded him, and held the sceptre for 137 years. On the death of the last, his commander in chief ascended the throne, and, together with nine descendants, to whom he transmitted the sovereignty, reigned 112 years. After that period the reigning prince was killed, and succeeded by his minister Vasudeva. Of his family only four princes are enumerated; but they are said to have reigned 345 years. The throne was next

From this it has been supposed, that a chasm must exist in the genealogy of those princes; But surely without sufficient reason; since, if we can admit that eighty-five princes in the solar line could outlive the whole third and fourth ages, amounting to 2,160,000 years, we may, without much scruple, allow that seventy princes in the lunar could extend through the same period

<sup>1</sup> The reigns of those princes, therefore, must have been fifty years at an average.

usurped by a race of Sudras, the first of whom slew his master, and seized the government. Twenty-one of this race, of whom Chandrabija was the last, reigned during a space of 456 years.<sup>1</sup> The conclusion of the reign of this prince corresponds therefore with the year 2648 of the Cali yug, and with the year 446 before the birth of Christ.<sup>2</sup> And with him, according to Sir William Jones, closes the authentic system of Hindu chronology.<sup>3</sup>

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It is a most suspicious circumstance, in the pretended records of a nation, when we find positive statements for a regular and immense series of years, in the remote abyss of time, but are entirely deserted

<sup>1</sup> As. Res. ii. 137 to 142.

<sup>2</sup> According to the Brahmins, 4911 years of the Cali yug were elapsed in the beginning of April, A. D. 1817, from which deducting 2648, the year of the Cali yug in which the reign of Chandrabija terminated, you have 2263, the number of years which have intervened since that period, and which carry it back to 446 years before Christ.

<sup>3</sup> As. Res. ii. 142, 3.—We have been likewise presented with a genealogical table of the great Hindu dynasties by Captain Wilford, (As. Res. v. 241,) which he says is faithfully extracted from the Vishnu Purana, the Bhagavat, and other Puranas, and which, on the authority of numerous MSS. which he had collated, and of some learned Pundits of Benores whom he had consulted, he exhibits as the only genuine chronological record of Indian history which had yet come to his knowledge. But this differs in numerous particulars from that of the learned Pundit Radhacant, exhibited by Sir William Jones, and which Sir William says, "that Radhacant had diligently collected from several Puranas." Thus it appears that there is not even a steady and invariable tradition or fiction on this subject: At the same time that the table of Captain Wilford removes none of the great difficulties which appear in that of Sir Wm. Jones. The most remarkable difference is exhibited in the line of the solar princes, whose genealogy Captain Wilford has taken from the Ramayan, as being, he thinks, consistent with the ancestry of Arjuna and Crishna, while that given by Sir William Jones and Radhacant, he says, is not.—The reader may also compare the *Rajaturungu*, a history of the Hindus compiled by Mrityoonjuyu, the head Sanscrit Pundit in the College of Fort William; translated and published in the first volume of "An Account of the Writings, Religion, and Manners of the Hindus," by Mr. Ward, printed at Serampore, in four volumes 4to. 1811.

BOOK II. by, them when we descend to the ages more nearly  
 CHAP 1. approaching our own. Where annals are real, they become circumstantial in proportion as they are recent; where fable stands in the place of fact, the times over which the memory has any influence are rejected, and the imagination riots in those in which it is unrestrained. While we receive accounts, the most precise and confident, regarding the times of remote antiquity, not a name of a prince in after ages is presented in Hindu records. A great prince, named Vieramaditya, is said to have extended widely his conquests and dominion, and to have reigned at Magadha 396 years after Chandrabija. From that time even fiction is silent.<sup>1</sup> We hear no more of the Hindus and their transactions, till the era of Mahomedan conquest; when the Persians alone become our instructors.

After the contempt with which the extravagant claims to antiquity of the Chaldeans and Egyptians had always been treated in Europe, the love of the marvellous is curiously illustrated by the respect which has been paid to the chronology of the Hindus.<sup>2</sup> We received indeed the accounts of the Hindu chronology, not from the incredulous historians of Greece and Rome, but from men who had seen the people; whose imagination had been powerfully affected by the spectacle of a new system of manners, arts, institutions, and ideas; who naturally expected to augment the opinion of their own consequence, by the greatness of the wonders which they had been fa-

<sup>1</sup> Sir Wm. Jones, *As Res* ii 142

<sup>2</sup> Mr Halhed seems, in his pref to *Code of Gent Laws*, to be very nearly reconciled to the Hindu chronology at any rate he thinks the believers in the Jewish accounts of patriarchal longevity have no reason to complain, p xxxii He has since, however, made a confession at second hand, of an alteration in his belief as to the antiquity of the Hindus See Maurice's *Hist. of Hindostan*, i. 88.

voured to behold; and whose astonishment, admiration, and enthusiasm, for a time, successfully propagated themselves. The Hindu statements, if they have not perhaps in any instance gained a literal belief, have almost universally been regarded as very different from the fictions of an unimproved and credulous people, and entitled to a very serious and profound investigation. Yet they are not only carried to the wildest pitch of extravagance, but are utterly inconsistent both with themselves and with other established opinions of the Brahmens.

Of this a single specimen will suffice. The character which the Brahmens assign to the several yugs is a remarkable part of their system. The Satya yug is distinguished by the epithet of golden; the Treta yug by that of silver; The Dwapar yug by that of copper; and the Cali yug is denominated earthen.<sup>1</sup> In these several ages the virtue, the life, and the stature of man, exhibited a remarkable diversity. In the Satya yug, the whole race were virtuous and pure; the life of man was 100,000 years, and his stature 21 cubits. In the Treta yug, one third of mankind were corrupt; and human life was reduced to 10,000 years. One half of the human race were depraved in the Dwapar yug, and 1000 years bounded the period of life. In the Cali yug, all men are corrupt, and human life is restricted to 100 years.<sup>2</sup> But though in the Satya yug men lived only 100,000 years, Satyavrata, according to

<sup>1</sup> See Sir Wm. Jones, Discourse on the Gods of Greece, Italy, and India; As. Res. i. 236. The similarity between the Hindu description of the four yugs, and that of the four ages of the world by the Greeks, cannot escape attention. We shall have occasion to notice many other very striking marks of affinity between their several systems.

<sup>2</sup> I have followed Mr. Halhed in the number of years (see Preface to Code of Gentoo Laws), though a derivative authority, because his statement is the highest, and by consequence the least unfavourable to the consistency of the Hindu chronology. In the Institutes of Menu,

BOOK II. the chronological fiction, reigned 1,728,000 years;  
 CHAP. I. in the Treta yug, human life extended only to 10,000 years, yet fifty-five princes reigned, each at a medium, more than 23,000 years; in the Dwapar yug, though the life of man was reduced to 1000 years, the duration of the reigns was even extended, for twenty-nine princes held each the sceptre in this period for 29,793 years.<sup>1</sup>

The wildness and inconsistency of the Hindu statements evidently place them beyond the sober limits of truth and history; yet it has been imagined, if their literal acceptation must of necessity be renounced, that they at least contain a poetical or figurative delineation of real events, which ought to be studied for the truths which it may disclose. The labour and ingenuity which have been bestowed upon this inquiry, unfortunately have not been attended with an adequate reward. No suppositions, however gratuitous, have sufficed to establish a consistent theory. Every explanation has failed. The Hindu legends still present a maze of unnatural fictions, in which a series of real events can by no artifice be traced.<sup>2</sup>

(ch. i. 83.) human life for the Satya yug is stated at 400 years, for the Treta yug at 800, the Dwapar 200, and the Cali yug at 100 years.

<sup>1</sup> There is a very remarkable coincidence between the number of years specified in this Hindu division of time, and a period marked in a very curious fragment of the Chaldean History. The Cali yug, it appears from the text, amounts to 432,000 years, and the aggregate of the four yugs, which the Hindus call a Maha yug, or great yug, amounts to a period expressed by the same figures, increased by the addition of a cipher, or 4,320,000. Now Berosus informs us, that the first king of Chaldea was Alorus, who reigned ten sari, that a sarus is 3,600 years; that the first ten kings, whose reigns seem to have been accounted a great era, reigned 120 sari, which compose exactly 432,000 years, the Hindu period. See Eusebiu Chronic. p. 5, where this fragment of Berosus is preserved; Syncelli Chronograph. p. 28. See also Bryant's Analysis of Ancient Mythology, iii. 95 to 126, for a most learned and ingenious commentary on this interesting fragment.

<sup>2</sup> A learned author pronounces them inferior even to the legends of the Greeks, as evidence of primal events. "Oriental learning is now

The internal evidence which these legends display, afforded indeed, from the beginning, the strongest reason to anticipate this result. The offspring of a wild and ungoverned imagination, they mark the state of a rude and credulous people, whom the marvellous delights; who cannot estimate the use of a record of past events; and whose imagination the real occurrences of life are too familiar to engage.<sup>1</sup>

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employed in unravelling the mythology of India, and recommending it as containing the seed of primeval history; but hitherto we have seen nothing that should induce us to relinquish the authorities we have been used to respect, or make us prefer the fables of the Hindus or Guebres, to the fables of the Greeks." Vincent, *Periplus of the Eritrean Sea*, Part i. 9. It may be added, that if the Greeks, the most accomplished people of antiquity, have left us so imperfect an account of the primitive state of their own country, little is to be expected from nations confessedly and remarkably inferior to them.

<sup>1</sup> That propensity which so universally distinguishes rude nations, and forms so remarkable a characteristic of uncivilized society—of filling the ages that are past with fabulous events and personages, and of swelling every thing beyond the limits of nature, may be easily accounted for. Every passion and sentiment of a rude people is apt to display itself in wild and extravagant effects. National vanity follows the example of the other passions, and indulges itself, unrestrained by knowledge, in such fictions as the genius of each people inspires. *Datur hæc venia antiquitati, ut miscendo humana divinis, primordia urbium augustiora faciat.* (Liv. Pref.) Of an accurate record of antecedent events, yielding lessons for the future by the experience of the past, uncultivated minds are not sufficiently capable of reflection to know the value. The real occurrences of life, familiar and insipid, appear too mean and insignificant to deserve to be remembered. They excite no surprise, and gratify no vanity. Every thing, however, which is extraordinary and marvellous, inspires the deepest curiosity and interest. While men are yet too ignorant to have ascertained with any accuracy the boundaries of nature, every thing of this sort meets with a ready belief; it conveys uncommon pleasure; the faculty of inventing is thus encouraged; and fables are plentifully multiplied. It may be regarded as in some degree remarkable, that, distinguished as all rude nations are for this propensity, the people of the East have far surpassed the other races of men in the extravagance of their legends. The Babylonians, the Arabians, the Syrians, the Egyptians, have long been subject to the contempt of Europeans, for their proneness to invent and believe miraculous stories. Lucian deems it a sarcasm, the bitterness of which would be universally felt, when he says of an author, infamous for the incredible stories which



BOOK II. To the monstrous period of years which the legends  
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 extravagant and unnatural: events not even connected in chronological series; a number of independent and incredible fictions. This people, indeed, are perfectly destitute of historical records.<sup>1</sup> Their ancient literature affords not a single production to which the historical character belongs. The works in which the miraculous transactions of former times are described, are poems. Most of them are books of a religious character, in which the exploits of the gods, and their commands to mortals, are repeated or revealed. In all, the actions of men and those of deities are mixed together, in a set of legends, more absurd and extravagant, more transcending the bounds of nature and of reason, less grateful to the imagination and taste of a cultivated and rational people, than those which the fabulous history of any other nation presents to us. The Brahmens are the most audacious, and perhaps the most unskilful fabricators, with whom the annals of fable have yet made us acquainted.<sup>2</sup>

he had inserted in his history, that he had attained this perfection in lying, though he had never associated with a Syrian (Quom. Cons. Hist.) The scanty fragments which have reached us of the histories of those other nations, have left us but little acquainted with the particular fables of which they compose their early history. But our more intimate acquaintance with the people of southern Asia has afforded us an ample assortment of their legendary stories.

1 "There is no known history of Hindoostan (that rests on the foundation of Hindu materials or records) extant, before the period of the Mahomedan conquests" Rennels Memoir, Introduction, xi. The Hindus have no ancient civil history, nor had the Egyptians any work purely historical. Wilford on Egypt and the Nile, As. Res. iii. 296.

\* If the authority of a Sanscrit scholar be wanted to confirm this harsh decision, we may adduce that of Captain Wilford, who, in his Discourse on Egypt and the Nile, As. Res. iii. 29, thus expresses himself: "The mythology of the Hindus is often inconsistent and contradictory, and the same tale is related many different ways. Their physiology,

The people of Hindustan and the ancient nations of Europe came in contact at a single point. The expedition of Alexander the Great began; and in some sort ended, their connexion. Even of this event, so recent and remarkable, the Hindus have no record; they have not a tradition that can with any certainty be traced to it. Some particulars in their mythological stories have by certain European inquirers been *supposed* to refer to the transactions of Alexander, but almost any part as well as another of these unnatural legends may, with equal propriety, receive the same distinction.<sup>1</sup> The information which we

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astronomy, and history, are involved in allegories and enigmas, which cannot but seem extravagant and ridiculous; nor could any thing render them supportable, but a belief that most of them have a recondite meaning; though many of them had, perhaps, no firmer basis than the heated imagination of deluded fanatics, or of hypocrites interested in the worship of some particular deity. Should a key to their eighteen Purnanas exist, it is more than probable that the wards of it would be too intricate, or too stiff with the rust of time, for any useful purpose."

"The Hindu system of geography, chronology, and history, are all equally monstrous and absurd." Wilford on the Chronol. of the Hindus, As. Res. v. 241.

Another Oriental scholar of some eminence, Mr. Scott Waring, says, in his Tour to Sheeraz, p. iv. "that the Hindu mythology and history appear to be buried in impenetrable darkness."

<sup>1</sup> Dr. Robertson (Disquis. concerning Anc. India, note viii. p. 301.) says, "that some traditional knowledge of Alexander's invasion of India is still preserved in the northern provinces of the Peninsula, - is manifest from several circumstances." But these circumstances, when he states them, are merely such as this, that a race of Rajahs claim to be descended from Porus, or rather from a prince of a name distantly resembling Porus, which European inquirers *conjecture* may be the same. The other circumstance is, that a tribe or two, on the borders of ancient Bactria, *are said* to represent themselves as the descendants of some Greeks left there by Alexander. The modern Hindus, who make it a point to be ignorant of nothing, pretend, when told of the expedition of Alexander, to be well acquainted with it, and say, "That he fought a great battle with the Emperor of Hindoostan near Delhi, and, though victorious, retired to Persia across the northern mountains: so that the remarkable circumstance of his sailing down the Indus, in which he employed many months, is sunk altogether." Major Rennel, Memoir, p. xl.

BOOK II have received of the Greek invasion from the Greeks  
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From the scattered hints, contained in the writings of the Greeks, the conclusion has been drawn, that the Hindus, at the time of Alexander's invasion, were in a state of manners, society, and knowledge, exactly the same with that in which they were discovered by the nations of modern Europe; nor is there any reason for differing widely from this opinion. It is certain that the few features of which we have any description from the Greeks, bear no inaccurate resemblance to those which are found to distinguish this people at the present day. From this resemblance, from the state of improvement in which the Indians remain, and from the stationary condition in which their institutions first, and then

<sup>1</sup> It affords a confirmation of this, that the Greeks have left us no accounts, in any degree satisfactory, of the manners and institutions of the ancient Persians, with whom they had so extended an intercourse, or of the manners and institutions of the Egyptians, whom they admired, and to whom their philosophers resorted for wisdom

their manners and character, have a tendency to fix them, it is no unreasonable supposition, that they have presented a very uniform appearance during the long interval from the visit of the Greeks to that of the English. Their annals, however, from that era till the period of the Mahomedan conquests, are a blank.

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With regard to the ancient history of India, we are still not without resources. The meritorious researches of the modern Europeans, who have explored the institutions, the laws, the manners, the arts, occupations and maxims of this ancient people, have enabled philosophy to draw the picture of society, which they have presented, through a long revolution of years. We cannot describe the lives of their kings, or the circumstances and results of a train of battles. But we can show how they lived together as members of the community, and of families; how they were arranged in society; what arts they practised, what tenets they believed, what manners they displayed; under what species of government they existed; and what character, as human beings, they possessed. This is by far the most useful and important part of history; and if it be true, as an acute and eloquent historian has remarked, "that the sudden, violent, and unprepared revolutions incident to barbarians, are so much guided by caprice, and terminate so often in cruelty, that they disgust us by the uniformity of their appearance, and it is rather fortunate for letters that they are buried in silence and oblivion,"<sup>1</sup> we have perhaps but little to regret in the total absence of Hindu records.<sup>2</sup>

<sup>1</sup> Hume's Hist. of England, i. 2.

<sup>2</sup> Toute homme du bon entendement, sans voir une histoire, peut presque imaginer de quelle humeur fut un peuple, lorsqu'il lit ses an-



If we suppose that India began to be inhabited at a very early stage in the peopling of the world, its

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τὸτε χρόνῳ φησόμεν. (Plat. p. 804.) The Hindus appear to have had similar opinions, though without the reasons.

“We read in the Mahad-himalaya-c'handa, that after a deluge, from which very few of the human race were preserved, men became ignorant and brutal, without arts or sciences, and even without a regular language.” Wilford on Egypt and the Nile, As. Res. iii. 394.

There is nothing more remarkable in the traditions of nations, than their agreement respecting the origin of the present inhabitants of the globe. The account of the deluge in the religious books of the Jews may very well be taken as the archetype of the whole. On this subject I willingly content myself with a reference to a book of singular merit, The Analysis of Ancient Mythology, by Jacob Bryant, in which, after making ample allowance for some forced etymologies, and much superstition, the reader will find an extent of learning, a depth of research, and an ingenuity of inference, unrivalled among the inquirers into the early history of the human race. Sir William Jones, who regretted that Mr. Bryant's knowledge of Oriental literature had not enabled him to bring evidence more largely from its stores, and that he had not pursued a plan more strictly analytical, has prosecuted the same inquiry, in a series of Discourses, addressed to the Asiatic Society, on the Hindus, the Arabs, the Tartars, the Persians, the Chinese, &c., and on the Origin and Families of Nations; and by a different plan, and the aid of his Oriental literature, has arrived at the same conclusions.

All inquirers have been struck with the coincidence between the story of Noah, and that of the Hindu primeval sire Satyavrata. We may suspect that there has been a little Brahmenical forcing to make it so exact as in the following passage:—Mr. Wilford says, “It is related in the Padma-Puran, that Satyavrata, whose miraculous preservation from a general deluge is told at length in the Matsya, had three sons, the eldest of whom was named Jyapeti, or Lord of the Earth. The others were C'harma and Sharma, which last are, in the vulgar dialects, usually pronounced C'ham and Sham, as we frequently hear Kishnu for Crishna. The royal patriarch (for such is his character in the Purāns), was particularly fond of Jyapeti, to whom he gave all the regions to the north of Himalaya, in the snowy mountains, which extend from sea to sea, and of which Caucasus is a part. To Sharma he allotted the countries to the south of those mountains: But he cursed C'harma; because when the old Monarch was accidentally inebriated with a strong liquor made of fermented rice, C'harma laughed: and it was in consequence of his father's imprecation that he became a slave to the slaves of his brothers.” (As. Res. iii. 312, 313.) The following statement by the same enquirer is confirmed by a variety of authorities:—“The first descendants of Swayambhava (another name for Satyavrata) are represented in the Puranas as living in the mountains

first inhabitants must have been few, ignorant, and rude. Uncivilized and ignorant men, transported in small numbers, into an uninhabited country of boundless extent, must wander for many ages before any great improvement can take place. Till they have multiplied so far as to be assembled in numbers large enough to permit the benefits of social intercourse, and of some division of labour, their circumstances seem not susceptible of amelioration. We find, accordingly, that all those ancient nations, whose history can be most depended upon, trace themselves up to a period of rudeness. The families who first wandered into Greece, Italy, and the eastern regions of Europe, were confessedly ignorant and barbarous. The influence of dispersion was no doubt most baneful, where the natural disadvantages were the greatest. In a country overgrown with forest, which denies pasture to cattle, and precludes husbandry, by surpassing the power of single families to clear the land for their support, the wretched inhabitants are reduced to all the hardships of the hunter's life, and become savages. The difficulties with which

to the north of India, toward the sources of the Ganges, and downwards as far as Seruagana and Hari-dwar. But the rulers of mankind lived on the summit of Meru, towards the north; where they appear to have established the seat of justice, as the Puranas make frequent mention of the oppressed repairing thither for redress." Wilford on Chron. of Hind., As. Res. v. 260. "The Mexicans," (says Clavigero, Hist. of Mexico, b. vi. sect. 1.) "had a clear tradition, though somewhat corrupted by fable, of the creation of the world, of the universal deluge, of the confusion of tongues, and of the dispersion of the people; and had actually all these events represented in their pictures (their substitute for writing). They said, that when mankind were overwhelmed with the deluge, none were preserved but a man and woman, named Coxcox and Xochiguetzal, who saved themselves in a little bark, and landing upon a mountain, called Colhuacan, had there a great many children, who were all born dumb; but that a dove at last, from a lofty tree, imparted to them languages; all, however, differing so much, that they could not understand one another."

those families had to struggle who first came into Europe, seem to have thrown them into a situation but few degrees removed from the lowest stage of society. The advantages of Indja in soil and climate are so great, that those by whom it was originally peopled might sustain no farther depression than what seems inherent in a state of dispersion. They wandered probably for ages in the immense plains and valleys of that productive region, living on fruits, and the produce of their flocks and herds, and not associated beyond the limits of a particular family. Until the country became considerably peopled, it is not even likely that they would be formed into small tribes. As soon as a young man became, in his turn, the head of a family, and the master of cattle, he would find a more plentiful subsistence beyond the range of his father's flocks. It could only happen, after all the most valuable ground was occupied; that disputes would arise, and that the policy of defence would render it an object for the different branches of a family to remain united together, and to acknowledge a common head.

When this arrangement takes place, we have arrived at a new stage in the progress of civil society. The condition of mankind, when divided into tribes, exhibits considerable variety, from that patriarchal association which is exemplified in the history of Abraham, to such combinations as are found among the Tartars, or that distribution into clans, which, at no distant period, distinguished the people of Europe. The rapidity with which nations advance through these several states of society chiefly depends on the circumstances which promote population. Where a small number of people range over extensive districts, a very numerous association is neither natural nor convenient. Some visible boundary, as a mountain



or a river, marks out the limits of a common interest; and jealousy or enmity is the sentiment with which every tribe is regarded by every other. When any people has multiplied so far as to compose a body, too large and unwieldy to be managed by the simple expedients which connected the tribe, the first rude form of a monarchy or political system is devised. Though we have no materials from the Hindus, which yield us the smallest assistance in discovering the time which elapsed in their progress to this point of maturity, we may so far accede to their claims of antiquity, as to allow that they passed through this first stage in the way to 'civilization very quickly; and perhaps they acquired the first rude form of a national polity at fully as early a period as any portion of the race.' It was probably at no great distance from the time of this important change that those institutions were devised, which have been distinguished by a durability so extraordinary; and which present a spectacle so instructive to those, who would understand the human mind, and the laws which, amid all the different forms of civil society, invariably preside over its progress.

<sup>1</sup> The cautious inquirer will not probably be inclined to carry this era very far back. "The newness of the world," says the judicious Goguet, (vol. iii. dissert. 3,) "is proved by the imperfection of many of the arts in the ancient world, and of all the sciences which depend upon length of time and experience." By the newness of the world, he means the newness of human society. In examining the remains of organized bodies which have been extricated from the bowels of the earth, vegetables are found at the greatest depth; immediately above them small shell fish, and some of the most imperfect specimens of the animal creation; nearer the surface quadrupeds, and the more perfectly organized animals: lastly man, of whom no remains have ever been found at any considerable depth. The inference is, that, compared with the other organized beings on this globe, man is a recent creation. See Parkinson's Organic Remains.

## CHAP. II.

*Classification and Distribution of the People.*

THE transition from the state of tribes to the more regulated and artificial system of a monarchy and laws is not sudden; it is the result of a gradual preparation and improvement. That loose independence, which suits a small number of men, bound together by an obvious utility, scattered over an extensive district, and subject to few interferences of inclination or interest, is found productive of many inconveniences, as they advance in numbers, as their intercourse becomes more close and complicated, and as their interests and passions more frequently clash. When quarrels arise, no authority exists to which the parties are under the necessity of referring their disputes. The punishment of delinquents is provided for by no preconcerted regulation. When subsistence, by the multiplication of consumers, can no longer be obtained without considerable labour; the desire to encroach upon one another adds extremely to the occasions of discord: and the evils and miseries, which prevail, excite at last a desire for a better regulation of their common affairs. But slow is the progress, made by the human understanding, in its rude and ignorant state. No little time is spent; first, in maturing the conviction that a great reformation is necessary; and next, in conceiving the plan which the exigency requires. Many partial remedies are thought of and applied; many failures experienced; evils meanwhile increase, and press more severely; at last men become

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BOOK II. weary and disgusted with the condition of things, and  
 CHAP. 2. prepared for any plausible change which may be suggested to them. In every society there are superior spirits, capable of seizing the best ideas of their times, and, if they are not opposed by circumstances, of accelerating the progress of the community to which they belong. The records of ancient nations give us reason to believe that some individual of this description, exalted to authority by his wisdom and virtue, has generally accomplished the important task of first establishing among a rude people a system of government and laws.

It may be regarded as a characteristic of this primary institution of government, that it is founded upon divine authority. The superstition of a rude people is peculiarly suited to such a pretension. While ignorant and solitary, men are perpetually haunted with the apprehension of superior powers; and, as in this state only they can be imposed upon by the assumption of a divine character and commission, so it is evidently the most effectual means which a great man, full of the spirit of improvement, can employ, to induce a people, jealous and impatient of all restraint, to forego their boundless liberty, and submit to the curb of authority.<sup>1</sup>

<sup>1</sup> There is scarcely an exception to this rule. Minos often retired into a cave, where he boasted of having familiar conversations with Jupiter: Mnemos, the great legislator of Egypt, proclaimed Hermes as the author of his laws: it was by the direction of Apollo that Lycurgus undertook the reformation of Sparta: Zuleucus, the legislator of the Locrians, gave out that he was inspired by Minerva: Zathruspes, among the Arimaspians, pretended that his laws were revealed to him, by one of their divinities: Zamolxis boasted to the Getes of his intimate communications with the goddess Vesta: the pretensions of Numa among the Romans are well known (See Goguet, *Origin of Laws*, part II. book I. ch. i. art. 9) The Druids, among the ancient Britons and Gauls, were at once the legislators, and the confidants of the Divinity. Odin, who was himself a Divinity, and his descendants, who partook of his nature, were

No where among mankind have the laws and ordinances been more exclusively referred to the Divinity, than by those who instituted the theocracy of Hindustan. The plan of society and government, the rights of persons and things, even the customs, arrangements, and manners of private and domestic life; every thing, in short, is established by divine prescription. The first legislator of the Hindus, whose name it is impossible to trace, appears to have represented himself as the republisher of the will of God. He informed his countrymen that, at the beginning of the world, the Creator revealed his duties to man, in four sacred books, entitled Vedas; that during the first age, of immense duration, mankind obeyed them, and were happy; that during the second and third they only partially obeyed, and their happiness was proportionally diminished; that since the commencement of the fourth age, disobedience and misery had totally prevailed, till the Vedas were forgotten and lost;<sup>1</sup> that now, however, he was commissioned to reveal them anew to his countrymen, and to claim their obedience.

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The leading institutions of the Hindūs bear evidence that they were devised at a very remote period, when society yet retained its rudest and simplest form. So long as men roam in the pastoral state, no division of classes or of labour is known. Every individual is a shepherd, and every family provides for itself the commodities with which it is supplied. As soon as the

the legislators of the Scandinavians. "The legislators of the Scythians," says Mallet (Introd. to Hist. of Denmark, ii. 43,) "represented God himself as the author of the laws which they gave to their fellow-citizens."

<sup>1</sup> This is a necessary supposition, as the generation to whom the Vedas were first presented must have known that they had no previous acquaintance with them, and could not believe that they had remained familiar to mortals from the period of their first revelation.

plentiful subsistence, occupies a great share of the common attention, the inconvenience of this universal mixture of employments is speedily felt. The labours of the field are neglected, while the cultivator is engaged at the loom, or repelling the incursions of an enemy. His clothing and lodging are inadequately provided for, while the attention of himself and his family are engrossed by the plough. Men quit not easily, however, the practices to which they have been accustomed; and a great change in their manners and affairs does not readily suggest itself as a remedy for the evils which they endure. When the Hindus were lingering in this uneasy situation, it would appear that there arose among them one of those superior men, who are capable of accelerating the improvement of society. Perceiving the advantage which would accrue to his countrymen from a division of employments, he conceived the design of overcoming at once the obstacles by which this regulation was retarded; and clothing himself with a Divine character, established as a positive law, under the sanction of Heaven, the classification of the people, and the distribution of occupations. Nor was it enough to introduce this vast improvement; it was right to secure that the original members of the different classes should be supplied with successors, and that the community should not revert to its former confusion. The human race are not destined to make many steps in improvement at once. Ignorant that professions, when once separated, were in no danger of being confounded, he established a law, which the circumstances of the time very naturally suggested, but which crected a barrier against further progress; that the children of those who were assigned to each

of the classes, into which he distributed the people, should invariably follow the occupation of their father through all generations. BOOK II.  
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The classification instituted by the author of the Hindu laws is the first and simplest form of the division of labour and employments. The priest is a character found among the rudest tribes; by whom he is always regarded as of the highest importance. As soon as men begin to have property, and to cultivate the ground, the necessity of defenders is powerfully felt; a class, therefore, of soldiers, as well as a class of husbandmen, becomes an obvious arrangement. There are other services, auxiliary to these, and necessary to the well-being of man, for which it still remains necessary to provide. In a state of great simplicity, however, these other services are few, and easily performed. We find accordingly that the Hindu legislator assigned but one class of the community to this department. The Hindus were thus divided into four orders or castes. The first were the Brahmens or priests; the second, the Cshatriyas or soldiers; the third, the husbandmen or Vaisyas; and the fourth, the Sudras, the servants and labourers.<sup>1</sup>

<sup>1</sup> There is an instructive passage in Plato (*Dē Repub. lib. ii.*) in which he ascribes the origin of political association and laws, to the division of labour; *Γίνεται πολις, ως εἰδῶμαι, ἐπεὶ δὲ τυχάνει ἡμῶν ἕκαστος οὐκ αὐταρκής, ἀλλὰ πολλῶν εὐδής.* From this cause, he says, men are obliged to associate, one man affording one accommodation, another another, and all-exchanging the accommodations which each can provide, for the different accommodations provided by the rest. It is curious that, in limiting the simplest form of a political association, he makes it to consist of four or five classes of men. *Ἀλλὰ μὲν πρώτη γὰρ καὶ μίγξις τῶν χρεῶν, ἡ τῆς τροφῆς παρασκευῇ, δευτέρα δὲ οἰκησεως, τρίτη εὐσθητος καὶ τῶν τοιούτων. \* \* \* Εἴη δ' αὖν ἡ γε ἀναγκαῖοτατη πολις ἐκ τετάρων ἢ πεντὲ ἀνδρῶν.*—That sagacious contemplator of the progress of society, Millar, describing the ancient state of the Anglosaxons, remarks, that the people of England were then divided into four great classes, the artificers and tradesmen, husbandmen, those who exercised the honourable profession of arms, and the clergy. He adds, “From the natural course of things it should seem that, in every

BOOK II On this division of the people, and the privileges or  
 CHAP. 2 disadvantages annexed to the several castes, the whole  
 frame of Hindu society so much depends, that it is  
 an object of primary importance, and merits a full  
 elucidation.

country where religion has had so much influence as to introduce a great body of ecclesiastics, the people, upon the first advance made in agriculture and in manufactures, are usually distributed into the same number of classes or orders. This distribution is accordingly to be found not only in all the European nations, formed upon the ruins of the Roman empire, but in other ages, and in very distant parts of the globe. The ancient inhabitants of Egypt are said to have been divided into the clergy, the military people, the husbandmen, and the artificers. The establishment of the four great castes, in the country of Indostan, is precisely of the same nature." (Millar's Historical View of the English Government, book I ch xi) In Egypt the people were divided by law in the same hereditary manner as in Hindostan. It is highly worthy of observation that, notwithstanding all the revolutions and changes to which Egypt has been subject, some remains of the division into castes are yet visible. "La distinction par familles se retrouve encore dans les villes, l'exercice des arts et metiers est hereditaire, le fils imite les procedés de son pere, et ne les perfectionne pas" (Le General Reymer, De l'Egypte, p 59) It is worthy of observation that the Colchians and Iberians were also divided into four castes, whose rank and office were hereditary and unchangeable (Herodot lib ii cap civ cv Strabo, lib ii 765. See also Bryant's Ancient Mythology, v 102, 107) In some situations this step in civilization, natural and simple as it may appear, is not easily made. How long have the wandering Arabs remained without it? What an improvement would the bare institution of the Hindu classes be upon their condition? and what merit would the legislature have, who should introduce it? The same observation is applicable to the Tartars.

There is a passage in Herodotus which leads us to conclude, that the distinction of castes existed among the Medes, at the commencement of the monarchy. He says (lib i cap ci) *Εἰς ἑξῆς τρεῖς ἔταξεν, Βουῶν, Περσῶν, Σπουχῶν, Ἀρχῶν, &c.* He says nothing to fix the meaning of the word *yoza*. But we know that the *Magi* were the priests, and hence there is matter of proof to make us suppose, that the other names, in like manner, express separate castes, or hereditary classes and professions.

The Persian Monarch Jemsheed is said to have divided the Persians into four classes. Malcolm's Hist of Persia, v 205

In like manner among the Peruvians, "Les citoyens," to use the language of Carli (Lettres sur l'Amerique, let xiii) "furent distribués en classes ou tribus." "Il n'étoit pas permis, ni par mariage, ni par changement d'habitation, de confondre une classe avec l'autre." In

I. The priesthood is generally found to usurp the greatest authority, in the lowest state of society. Knowledge, and refined conceptions of the Divine nature, are altogether incompatible with the supposition, that the Deity makes favourites of a particular class of mankind, or is more pleased with those who perform a ceremonial service to himself, than with those who discharge with fidelity the various and difficult duties of life. It is only in rude and ignorant times that men are so overwhelmed with the power of superstition as to pay unbounded veneration and obedience to those who artfully clothe themselves with the terrors of religion.<sup>1</sup> The Brahmins among the Hindus have acquired and maintained an authority, more exalted, more commanding, and extensive, than the priests have been able to engross among any other portion of mankind. As great a distance as there is between the Brahmen and the Divinity, so great a distance is there between the Brahmen and the rest of his species. According to the sacred books of the Hindus, the Brahmen proceeded from the mouth of

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Let. xiv. it is added, "L'education consistoit à apprendre aux enfans rôtureurs le metier. que chaque père de famille exerceoit," &c. Clavigero, too, respecting the Mexicans, tells us, (Hist. of Mexico, book vii. sect. v.) "The sons in general learned the trades of their fathers, and embraced their professions, &c.

In Plato's *Timæus*, (p. 1044, Ed. Ficini. Francof. 1602,) is a curious passage, which asserts that the same division of professions, which still existed among the Egyptians, existed, at a period long antecedent, among the Athenians: Πρωτον μὲν το τῶν ἱερέων γένος, ἀπο τῶν ἀλλῶν χωρὶς ἀφωρισμένον· μετὰ δὲ τούτο, το τῶν δημιουργῶν, ὅτι καὶ αὐτο ἐράσαν ἀλλήν· δευτέρα ἐπιμύθεον δημιουργοὶ το τε τῶν νομέων καὶ τῶν θηρευτῶν· το τε τῶν γεωργῶν· καὶ δη το μαχημὸν γένος, ἀπο πάντων τῶν γένων κεχωρισμένον, οἷς οὐδὲν ἄλλο πλὴν τα περὶ τον πολέμον ὑπό τη νόμῳ προσεταχθῆ μελεῖν.

<sup>1</sup> It was in the dark ages that the Romish priesthood usurped so many privileges. Our ancestors were barbarous when the Druids exercised over them an unlimited authority. The soothsayers and priests among the Greeks and Romans lost their influence as knowledge increased. Among the rude inhabitants of Mexico and Peru, the authority of the priest equalled or superseded that of the king, and was united in the same person.



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the Creator, which is the seat of wisdom; the Cshatrya proceeded from his arm; the Vaisya from his thigh, and the Sudra from his foot, therefore is the Brahmen infinitely superior in worth and dignity to all other human beings.<sup>1</sup> The Brahmen is declared to be the Lord of all the classes.<sup>2</sup> He alone, to a great degree, engrosses the regard and favour of the Deity; and it is through him, and at his intercession, that blessings are bestowed upon the rest of mankind. The sacred books are exclusively his; the highest of the other classes are barely tolerated to read the word of God; he alone is worthy to expound it. The first among the duties of the civil magistrate, supreme or subordinate, is to honour the Brahmins.<sup>3</sup> The slightest disrespect to one of this sacred order is the most atrocious of crimes. "For contumelious language to a Brahmen," says the law of Menu,<sup>4</sup> "a Sudra must have an iron style, ten fingers long, thrust red hot into his mouth; and for offering to give instruction to priests, hot oil must be poured into his mouth and ears." "If," says Halhed's code of Gentoo laws,<sup>5</sup> "a Sooder sits upon the carpet of a Brahmen, in that case the magistrate, having thrust a hot iron into his buttock, and branded him, shall banish him the kingdom; or else he shall cut off his buttock." The following précept refers even to the most exalted classes: "For striking a Brahmen even with a blade of grass, or overpowering him in argument, the offender must soothe him by falling prostrate."<sup>6</sup> Mysterious and awful powers are ascribed to this wonderful being. "A priest, who well knows

<sup>1</sup> Laws of Menu, ch 1

<sup>2</sup> Ib. x

<sup>3</sup> Ib vii

<sup>4</sup> Ib viii 271, 2 "From his high birth alone, a Brahmen is an object of veneration even to deities, his declarations to mankind are decisive evidence, and the Veda itself confers on him that character"

Ib xi 85

<sup>5</sup> Ib x 1

<sup>6</sup> Ib x 206

the law, needs not complain to the king of any grievous injury; since, even by his own power, he may chastise those who injure him: His own power is mightier than the royal power; by his own might therefore may a Brahmen coerce his foes. He may use without hesitation the powerful charms revealed to Atharvan and Angiras; for speech is the weapon of a Brahmen: with that he may destroy his oppressors.”<sup>1</sup> “Let not the king, although in the greatest distress, provoke Brahmins to anger; for they, once enraged, could immediately destroy him with his troops, elephants, horses, and cars. Who without perishing could provoke those holy men, by whom the all-devouring flame was created, the sea with waters not drinkable, and the moon with its wane and increase? What prince could gain wealth by oppressing those, who, if angry, could frame other words and regents of worlds, could give being to other gods and mortals? What man, desirous of life, would injure those, by the aid of whom worlds and gods perpetually subsist; those who are rich in the knowledge of the Veda? A Brahmen, whether learned or ignorant, is a powerful Divinity; even as fire is a powerful Divinity, whether consecrated or popular. Thus, though Brahmins employ themselves in all sorts of mean occupations, they must invariably be honoured; for they are something transcendently divine.”<sup>2</sup> Not only is this extraordinary respect and pre-eminence awarded to the Brahmins; they are allowed the most striking advantages over all other members of the social body, in almost every thing which regards the social state. In the scale of punishments for crimes, the penalty of the Brahmen, in almost all cases, is infinitely milder than that of

<sup>1</sup> Laws of Menu, ch. xi. 31, 32, 33.

<sup>2</sup> Ib. ix. 313—319.

BOOK II. the inferior castes. Although punishment is remark-  
 CHAP. 2. ably cruel and sanguinary for the other classes of the  
 Hindus, neither the life nor even the property of a  
 Brahmen can be brought into danger by the most  
 atrocious offences. "Neither shall the king," says  
 one of the ordinances of Menu,<sup>1</sup> "slay a Brahmen,  
 though convicted of all possible crimes: Let him  
 banish the offender from his realm, but with all his  
 property secure, and his body unhurt." In regulating  
 the interest of money, the rate which may be taken  
 from the Brahmens is less than what may be ex-  
 acted from the other classes.<sup>2</sup> This privileged order  
 enjoy the advantage of being entirely exempt from  
 taxes: "A king, even though dying with want,  
 must not receive any tax from a Brahmen learned  
 in the Vedas."<sup>3</sup> Their influence over the govern-  
 ment is only bounded by their desires, since they  
 have impressed the belief that all laws which a Hindu  
 is bound to respect are contained in the sacred books;  
 that it is lawful for them alone to interpret these  
 books; that it is incumbent on the king to employ  
 them as his chief counsellors and ministers, and to  
 be governed by their advice. "Whatever order,"  
 says the code of Hindu laws,<sup>4</sup> "the Brahmens shall  
 issue conformably to the Shaster, the magistrate  
 shall take his measures accordingly."<sup>5</sup> These pre-  
 rogatives and privileges, important and extraordinary  
 as they may seem, afford, however, but an imperfect

<sup>1</sup> Laws of Menu, ch. viii 380

<sup>2</sup> *Ib* viii.

<sup>3</sup> *Ib* vii 133

<sup>4</sup> Halbed, Preface to the Code of Gentoo Laws

<sup>5</sup> The Druids among the ancient Britons, as there was a striking simi-  
 larity in many of the doctrines which they taught, so possessed many  
 similar privileges and distinctions to those of the Brahmens. Their  
 persons were inviolable; they were exempt from taxes and military  
 service, they exercised the legislative, judicative, and, with the excep-  
 tion of commanding armies in the field, almost the whole of the execu-  
 tive powers of government. *Cæsar, De Bell. Gal. lib. vi. 13, 14*  
*Henry's Hist. of Great Britain, i. 302, 317.*

idea of the influence of the Brahmens in the inter-course of Hindu Society. As the greater part of life among the Hindus is engrossed by the performance of an infinite and burdensome ritual, which extends to almost every hour of the day, and every function of nature and society, the Brahmens, who are the sole judges and directors in these complicated and endless duties, are rendered the uncontrollable masters of human life. Thus elevated in power and privileges, the ceremonial of society is no less remarkably in their favour. They are so much superior to the king, that the meanest Brahmen would account himself polluted by eating with him, and death itself would appear to him less dreadful than the degradation of permitting his daughter to unite herself in marriage with his sovereign. With these advantages it would be extraordinary, had the Brahmens neglected themselves in so important a circumstance as the command of property. It is an essential part of the religion of the Hindus, to confer gifts upon the Brahmens. This is a precept more frequently repeated than any other in the sacred books. Gifts to the Brahmens form always an important and essential part of expiation and sacrifice.<sup>1</sup> When

<sup>1</sup> See the Laws of Menu, *passim*. "The organs of sense and action, reputation, a heavenly mansion, life, a great name, children, cattle, are all destroyed by a sacrifice offered with trifling presents: let no man therefore sacrifice without liberal gifts." *Ib.* xi. 40. "Let every man, according to his ability, give wealth to Brahmens detached from the world and learned in scripture; such a giver shall attain heaven after this life." *Ib.* xi. 6. "Having reckoned up the persons whom the Brahmen is obliged to support, having ascertained his Divine knowledge and moral conduct, let the king allow him a suitable maintenance from his own household; and, having appointed him a maintenance, let the king protect him on all sides, for he gains from the Brahmen whom he protects a sixth part of his virtue." *Ib.* xi. 22, 23. "Of that king in whose dominions a learned Brahmen is afflicted with hunger, the whole kingdom will in a short time be afflicted with famine." *Ib.* vii. 114.

treasure is found, which, from the general practice of concealment, and the state of society, must have been a frequent event, the Brahmen may retain whatever his good fortune places in his hands, another

The Brahmen is occasionally exhorted to observe some decorum and measure in their pursuit of gifts. *Laws of Menu*, iv 186 "Should the King be near his end through some incurable disease, he must bestow on the priests all his riches accumulated from legal fines, and, having duly committed his kingdom to his son, let him seek death in battle or, if there be no war, by abstaining from food

"The influence of priestcraft over superstition is nowhere so visible as in India. All the commerces of life have a strict analogy with the ceremonies of religion, and the Brahman has inculcated such a variety of strange persuasions, that the Gentoo finds himself every hour under the necessity of consulting his spiritual guide. The building of a pagoda, and maintaining within it a set of priests, is believed the best action which human virtue is capable of. Every offence is capable of being expiated by largesses to the Brahmins, prescribed by themselves according to their own measures of avarice and sensuality." *Orme, On the Government and People of Indostan*, 432

"Since the Brahmen sprang from the most excellent part, since he was the first born, and since he possesses the Veda, he is by right the chief of this whole creation

"Him, the Being, who exists of himself, produced in the beginning from his own mouth, that having performed holy rites, he might present clarified butter to the Gods, and cakes of rice to the progenitors of mankind, for the preservation of this world

"What created being then can surpass him, with whose mouth the Gods of the firmament continually feast on clarified butter, and the manes of ancestors, on hallowed cakes?

"Of created things, the most excellent are those which are animated, of the animated, those which subsist by intelligence, of the intelligent, mankind, and of men, the sacerdotal class,

"Of priests, those eminent in learning, of the learned, those who know their duty, of those who know it, such as perform it virtuously, and of the virtuous, those who seek beatitude from a perfect acquaintance with scriptural doctrine

"The very birth of Brahmen is a constant incarnation of Dharma, God of Justice, for the Brahmen is born to promote justice, and to procure ultimate happiness

"When a Brahmen springs to light, he is born above the world, the chief of all creatures, assigned to guard the treasury of duties, religious and civil

"Whatever exists in the universe is all in effect, though not in form, the wealth of the Brahmen, since the Brahmen is entitled to it all by his primogeniture and eminence of birth." *Laws of Menu*, i 93—109.

man must surrender it to the king, who is bound to deliver one half to the Brahmens.<sup>1</sup> Another source of revenue at first view appears but ill-assorted with the dignity and high rank of the Brahmens; by their influence it was converted into a fund, not only respectable but venerable, not merely useful but opulent. The noviciates to the sacerdotal office are commanded to find their subsistence by begging, and even to carry part of their earnings to their spiritual master.<sup>2</sup> Begging is no inconsiderable source of priestly power.

The duties of the Brahmens may be summed up in a few words. They are, to read the Vedas; to teach them to the young Brahmens; and to perform sacrifices and other religious acts.<sup>3</sup>

II. Among the castes of the Hindus, the next in dignity and rank to the priestly tribe, is that of the Cshatriyas, or the military class. In the rude and early state of society, as man has provided few securities against the evils with which he is assailed, and his wisdom has enabled him to draw few general rules respecting the order of their recurrence, he lives in a perpetual expectation of unhappy events, as well from nature, as from his fellow men; and fear is the passion which chiefly usurps the government

<sup>1</sup> Laws of Menu, ch. viii. The law is laid down somewhat differently in Halhed's Code: when a man finds any thing belonging to another, the magistrate is to be informed, and if the finder is a Brahmen, he keeps the whole; from others a part goes to the magistrate; and from a Sooder all but two twelfths. Halhed's Gentoo Laws, ch. 21, sect. 2.

<sup>2</sup> Laws of Menu, ch. ii. The mendicity of the priests seems to have been a general instrument of priestly imposture. It was so among the Romans; and no unproductive one. See Apuleius, *Metam.* l. viii. p. 262. Cicero, in his Book of Laws, proposes to restrain the begging trade of the priests.—*Stipem sustulimus, nisi eam quam ad paucos dies propriam Idæ Martis excepiimus: Implet enim superstitione animos, exhaurit domos.* Cic. de Legib. l. ii. 9, 16. The Popish mendicants are a notorious instance. See Middleton's Letter from Rome, in Works of Dr. Conyers Middleton, iii. 116.

<sup>3</sup> See the Laws of Menu, *passim*.

BOOK II. of his mind. "The priest soothes his imagination, in  
 CHAP. 2 regard to the first and most awful source of his apprehensions, by undertaking to procure for him the favour of the mysterious powers of nature. The soldier, from whom he expects protection against the ravages of hostile men, is the second object of his veneration and gratitude; and in the history of society, it will be generally found, that the rank and influence of the military order are high, in proportion as the civilization of the people is low." To all but the Brahmens, the caste of Cshatriyas are an object of unbounded respect. They are as much elevated above the classes below them, as the Brahmens stand exalted above the rest of human kind. Nor is superiority of rank among the Hindus an unavailing ceremony. The most important advantages are attached to it. The distance between the different orders of men is immense and degrading. If a man of a superior class accuses a man of an inferior class, and his accusation proves to be unjust, he escapes not with impunity; but if a man of an inferior class accuses a man of a superior class, and fails in proving his accusation, a double punishment is allotted him.<sup>2</sup> For all assaults, the penalty rises in proportion

<sup>1</sup> To this observation I know not that any exception can be adduced, which is not resolvable into the influence of a government purely or chiefly military. This, however, is the effect of art, or of forced circumstances, not of nature, or of reason. It is Mandeville, I think, who remarks, that fear is the origin of the admiration which has been generally bestowed upon the profession of arms; and in confirmation of this observes, that it is the most timid sex by whom the military character is the most admired. Mr. Hume has remarked, that it is the most timid sex, also, who are the most devoted to superstition, and the priests.

<sup>2</sup> Halhed's Code, ch. xv. sect. 2. "If a man of an inferior caste," says the Gentoo code, "proudly affecting an equality with a person of superior caste, should speak at the same time with him, the magistrate in that case shall punish him to the extent of his abilities."—1b

as the party offending is low, the party complain- BOOK II.  
ing high, in the order of the castes. It is, in- CHAP. 2.  
deed, a general and a remarkable part of the juris-  
prudence of this singular people, that all crimes are  
more severely punished in the subordinate classes;  
the penalty ascending, by gradation, from the gentle  
correction of the venerable Brahmen, to the harsh  
and sanguinary chastisement of the degraded Sudra.<sup>1</sup>  
Even in such an affair as the interest of money on  
loan, where the Brahmen pays two per cent., three  
per cent. is exacted from the Cshatriya, four per  
cent. from the Vaisya, and five per cent. from the  
Sudra. The sovereign dignity, which usually follows  
the power of the sword, was originally appropriated  
to the military class, though in this particular it  
would appear that irregularity was pretty early in-  
troduced. To bear arms is the peculiar duty of the  
Cshatriya caste, and their maintenance is derived from  
the provision made by the sovereign for his soldiers.

III. The Vaisyas are the third caste of the Hin-  
dus. Their duties are to tend cattle, to carry on  
merchandize, and to cultivate the ground. They  
are superior only to the Sudras, who owe to them,  
however, the same awful respect and submission,  
which it is incumbent on them to pay to the military  
class.

IV. As much as the Brahmen is an object of in-  
tense veneration, so much is the Sudra an object of  
contempt, and even of abhorrence, to the other  
classes of his countrymen. The business of the Su-  
dras is servile labour, and their degradation inhu-  
man. Not only is the most abject and grovelling-

<sup>1</sup> See the Laws of Menu, and Halhed's Gentoo Code, *passim*. The case of theft is an exception for this, the higher classes being punished the most severely.



BOOK II. submission imposed upon them as a religious duty,  
 CHAP. 2. but they are driven from their just and equal share  
 in all the advantages of the social institution. The  
 crimes which they commit against others are more  
 severely punished, than those of any other delin-  
 quents, while the crimes which others commit  
 against them are more gently punished than those  
 against any other sufferers.<sup>1</sup> Even their persons and  
 labour are not free. "A man of the servile caste,  
 whether bought or unbought, a Brahmen may com-  
 pel to perform servile duty; because such a man was  
 created by the Self-existent for the purpose of serving  
 Brahmens."<sup>2</sup> The law scarcely permits them to own  
 property; for it is declared that "no collection of  
 wealth must be made by a Sudra, even though he  
 has power, since a servile man, who has amassed  
 riches, gives pain even to Brahmens"<sup>3</sup> A Brahmen  
 may seize without hesitation the goods of his Sudra  
 slave; for as that slave can<sup>4</sup> have no property, his  
 master may take his goods."<sup>4</sup> Any failure in the re-  
 spect exacted of the Sudra towards the superior  
 classes is avenged by the most dreadful punishments.  
 Adultery with a woman of a higher caste is expiated  
 by burning to death on a bed of iron. The degra-  
 dation of the wretched Sudra extends not only to every  
 thing in this life, but even to sacred instruction and  
 his chance of favour with the superior powers. A  
 Brahmen must never read the Veda in the presence of  
 Sudras.<sup>5</sup> "Let not a Brahmen," says the law of  
 Menu, "give advice to a Sudra; nor what remains  
 from his table; nor clarified butter, of which part  
 has been offered; nor let him give spiritual counsel

<sup>1</sup> See the Laws of Menu, and Halhed's Gentoo Code, passim.

<sup>2</sup> Laws of Menu, ch viii 413

<sup>3</sup> Ib x 129

<sup>4</sup> Ib viii, 417. If he be distressed for subsistence, says the gloss of  
 Colluca

<sup>5</sup> Ib

to such a man, nor inform him of the legal expiation for his sin: surely he who declares the law to a servile man, and he who instructs him in the mode of expiating sin, sinks with that very man into the hell named Asamvrita.”<sup>1</sup>

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CHAP. 2.

Although the adherence of each class to the particular employment assigned to it was secured by the most rigid laws, and the severest penalties, there were extraordinary cases in which a limited departure was permitted. When a Brahmen cannot obtain sub-

<sup>1</sup> Laws of Menu, ch. viii. 80. 81. “If,” says the Gentoo code, “a man of the Sooder reads the beids of the Shaster, or the Pudran; to a Brahmen, a Chehter, or a Bin, then the magistrate shall heat some bitter oil, and pour it into the aforesaid Sooder’s mouth; and if a Sooder listens to the beids of the Shaster, then the oil, heated as before, shall be poured into his ears, and arzeez and wax shall be melted together, and the orifice of his ears shall be stopped up therewith. If a Sooder gets by heart the beids of the Shaster, the magistrate shall put him to death. If a Sooder always performs worship and the jügg, the magistrate shall put him to death. If a Sooder gives much and frequent molestation to a Brahmen, the magistrate shall put him to death.” (Halhed’s Code of Gentoo Laws, ch. xvi. sect. 7.) It is among the most barbarous tribes, that we in general find the principle of subordination abused to the greatest excess. Perhaps no instance is equal to that which exhibits itself among the Hindus. “Among the Natchez,” (says Robertson, Hist. Americ. ii. 139,) a powerful tribe now extinct, on the banks of the Mississippi, a difference of rank took place, with which the northern tribes were altogether unacquainted. Some families were reputed noble, and enjoyed hereditary dignity. The body of the people was considered as vile, and formed only for subjection. This distinction was marked by appellations which intimated the high elevation of the one state, and the ignominious depression of the other: the former were called *Respectable*; the latter, the *Stinkards*.”—“To be a servant,” (says Millar, Distinction of Ranks, ch. v. sect. 1.) “in these primitive times, was almost universally the same thing as to be a slave. The master assumed an unlimited jurisdiction over his servants, and the privilege of selling them at pleasure. He gave them no wages beside their maintenance; and he allowed them to have no property, but claimed to his own use whatever, by their labour, or by any other means, they happened to acquire.—Thus the practice of domestic slavery appears to have been early established among the nations of antiquity; among the Egyptians, the Phœnicians, the Jews, the Babylonians, the Persians, the Greeks, and the Romans.—The same practice obtains at present among all those tribes of barbarians, in different parts of the world, with which we have any correspondence.”

BOOK II. CHAP. 2. sistance by the proper business of his order, he may apply himself to that of the Cshratiya or the Vaisya, but must never become so far degraded as to engage in that of the Sudra. The Cshratiya and Vaisya, in like necessitous circumstances, may have recourse respectively to the business of the class or classes below them, even that of the Sudra, but are strictly interdicted from profaning the employment of any class above them. The Sudra having, originally, no inferior class, was probably abandoned to his necessities, though afterwards, in the employments of the mixed classes, a resource was opened also for him.<sup>1</sup> In this arrangement, as usually happens in the laws of the Hindus, the advantages are all on the side of the superior orders. The Brahmen has open to him, if need be, the occupations of all the respectable classes; he can overload them with additional numbers in the season of distress, a season at which it is natural for them to be overloaded without him, while his own occupation is exempt from the encroachment or competition of any other description of men. The Cshatriya, while he has the occupations open to him of two of the castes, is liable to the interference of one of them only. The Vaisya, on the other hand, can have recourse to none but the lowest of employments, that of the Sudra, while he is liable to be straitened in his own occupation by the interference and competition of both the orders above him. The unfortunate Sudra, who has no resource, may be driven from his employment, and his means of subsistence, mediately or immediately, by all the other classes of the community.

This distribution of the whole people into four classes only, and the appropriation of them to four

<sup>1</sup> Laws of Menu, ch. x. passim. Mr. Colebrooke on the Indian Classes, *Asiat. Recherches*. v. 63.

species of employment; an arrangement which, in the very simple state of society in which it must have been introduced, was a great step in improvement; must have become productive of innumerable inconveniences, as the wants of society multiplied. The bare necessities of life, with a small number of its rudest accommodations, are all it prepares, to meet the desires of man. As those desires, speedily extend beyond such narrow limits, a struggle must have early ensued between the first principle of human nature and those of the political establishment. The different castes were strictly commanded to marry with those only of their own class and profession; and the mixture of the classes from the union of the sexes was guarded against by the severest laws. This was an occurrence, however; which laws could not prevent. Irregularities took place; children were born, who belonged to no caste, and for whom there was no occupation. No event could befall society more calamitous than this. Unholy and infamous, on account of that violation of the sacred law to which they owed their unwelcome birth, those wretched outcasts had no resource for subsistence, excepting either the bounty of the established classes, to whom they were objects of execration and abhorrence; or the plunder of those same classes, a course to which they would betake themselves with all the ingenuity of necessitous, and all the atrocity of much injured, men. When a class of this description became numerous, they must have filled society with the greatest disorders. In the preface of that compilation of the Hindu Laws, which was translated by Mr. Halhed,<sup>1</sup> it is stated that, after a succession of good kings, who secured obedience to the laws,

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CHAP. 2.

<sup>1</sup> Vide Halhed's Code of Gentoo Laws, preface.

BOOK II. and under whom the people enjoyed felicity; came a  
 CHAP. 2 monarch evil and corrupt, under whom the laws were violated, the mixture of the classes was perpetrated, and a new and impious race were produced. The Brahmens put this wicked king to death, and by an effort of miraculous power created a successor endowed with the most excellent qualities. But the kingdom did not prosper, by reason of the Burren Sunker, so were this impure brood denominated; and it required the wisdom of this virtuous king to devise a remedy. He resolved upon a classification of the mixed race, and to assign them occupations. This, accordingly, was the commencement of arts and manufactures. The Burren Sunker became all manner of artisans and handicrafts; one tribe of them weavers of cloth, another artificers in iron, and so in other cases, till the subdivisions of the class were exhausted, or the exigencies of the community supplied. Thus were remedied two evils at once: The increasing wants of an improving society were provided for; and a class of men, the pest of the community, were converted to its service. This is another important era in the history of Hindu society; and having reached this stage, it does not appear that it has made, or that it is capable of making, much further progress. Thirty-six branches of the impure class are specified in the sacred books,<sup>1</sup> of whom and of their employments it would be tedious and useless to present the description. The highest is that sprung from the conjunction of a Brahmen with a woman of the Cshatriya class,

<sup>1</sup> Colebrooke on the Indian Classes, Asiatic Research v. 53. On this subject, however, that intelligent author tells us, that Sanscrit authorities in some instances disagree. Classes mentioned by one are omitted by another; and texts differ on the professions assigned to some tribes. It is a subject, he adds, in which there is some intricacy.

whose duty is the teaching of military exercises. The lowest of all is the offspring of a Sudra with a woman of the sacred class. This tribe are denominated Chandalas, and are regarded with great abhorrence. Their profession is to carry out corpses, to execute criminals, and perform other offices, reckoned to the last degree unclean and degrading. If, by the laws of Hindustan, the Sudras are placed in a low and vile situation, the impure and mixed classes are placed in one still more odious and degrading. Nothing can equal the contempt and insolence to which it is the lot of the lowest among them to see themselves exposed. They are condemned to live in a sequestered spot by themselves, that they may not pollute the very town in which they reside. If they meet a man of the higher castes, they must turn out of the way, lest he should be contaminated by their presence.<sup>1</sup>

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<sup>1</sup> "Avoid," says the Tantra, "the touch of the Chandala, and other abject classes. Whoever associates with them undoubtedly falls from his class; whoever bathes or drinks in wells or pools which they have caused to be made, must be purified by the five productions of kine." Colebrooke on the Indian Classes, *Asiat. Research.* v. 53. From this outline of the classification and distribution of the people, as extracted from the books of the Hindus, some of the most intelligent of our British observers appeal to the present practice of the people, which they affirm is much more conformable to the laws of human welfare, than the institutions described in the ancient books. Of this, the author is aware: so inconsistent with the laws of human welfare are the institutions described in the Hindu ancient books, that they never *could* have been observed with any accuracy; it is, at the same time, very evident, that the institutions described in the ancient books are the model upon which the present frame of Hindu society has been formed; and when we consider the powerful causes which have operated so long to draw, or rather to force, the Hindus from their inconvenient institutions and customs, the only source of wonder is, that the state of society which they now exhibit should hold so great a resemblance to that which is depicted in their books. The President de Goguet is of opinion, that a division of the people into tribes and hereditary professions similar to that of the Hindus existed in the ancient Assyrian empire, and that it prevailed from the highest antiquity over almost all Asia,

BOOK II (part I book I. ch 1 art 3, Herodot lib i. cap. 200, Strab lib xvi  
 CHAP 2. p 1082, Diod lib ii p 142) Cecrops distributed into four tribes all  
 the inhabitants of Attica (Pollux, lib viii cap 9 sect 100, Diodorus  
 Siculus, lib ii p 33) Theseus afterwards made them three, by  
 uniting, as it should seem, the sacerdotal class with that of the nobles,  
 or magistrates They consisted then of nobles and priests, labourers or  
 husbandmen, and artificers, and there is no doubt that, like the Egyp-  
 tians and Indians, they were hereditary (Plutarch Vit These) Anis-  
 totle expressly informs us, (Poht lib vii cap 10) that in Crete the  
 people were divided by the laws of Minos into classes after the manner  
 of the Egyptians We have most remarkable proof of a division, the  
 same as that of the Hindus, anciently established among the Persians.  
 In the Zendavesta, translated by Anquetil Duperron, is the following  
 passage "Ormusd said, There are three measures [literally weights,  
 that is, tests, rules] of conduct, four states, and five places of dignity  
 —The states are that of the priest, that of the soldier, that of the  
 husbandman, the source of riches, and that of the artizan or labourer"  
 Zendavesta, i 141 There are sufficient vestiges to prove an ancient  
 establishment of the same sort among the Buddhists of Ceylon, and by  
 consequence to infer it among the other Buddhists over so large a por-  
 tion of Asia See a Discourse of Mr Joinville on the Religion and  
 Manners of the people of Ceylon, Asiatic Research vii 430, et seq

## CHAP. III.

*The Form of Government.*

AFTER the division of the people into ranks and oc- BOOK II.  
 cupations, the great circumstance by which their CHAP. 3.  
 condition, character, and operations are determined,  
 is the political establishment; the system of actions  
 by which the social order is preserved. Among the  
 Hindus, according to the Asiatic model, the govern-  
 ment was monarchical, and, with the usual exception  
 of religion and its ministers, absolute. No idea of  
 any system of rule, different from the will of a single  
 person, appears to have entered the minds of them,  
 or their legislators. "If the world had no king,"  
 says the Hindu law,<sup>1</sup> "it would quake on all sides  
 through fear; the ruler of this universe, therefore,  
 created a king, for the maintenance of this system."  
 Of the high and uncontrolable authority of the monarch  
 a judgment may be formed, from the lofty terms in  
 which the sacred books describe his dignity and attri-  
 butes. "A king," says the law of Menu,<sup>2</sup> "is formed  
 of particles from the chief guardian deities, and con-  
 sequently surpasses all mortals in glory. Like the  
 sun, he burns eyes and hearts; nor can any human  
 creature on earth even gaze on him. He, fire and air;  
 He, the god of criminal justice; He, the genius of  
 wealth; He, the regent of waters; He, the lord of  
 the firmament. A king, even though a child, must

<sup>1</sup> Laws of Menu, ch. vii. 3.<sup>2</sup> Ib. ch. vii.



BOOK II. not be treated lightly, from an idea that he is a mere  
 CHAP. 3. mortal : No ; he is a powerful divinity, who appears  
 in human shape. In his anger, death. He who  
 shows hatred of the king, through delusion of mind,  
 will certainly perish ; for speedily will the king apply  
 his heart to that man's destruction." The pride of  
 imperial greatness could not devise, hardly could it  
 even desire, more extraordinary distinctions, or the  
 sanction of a more unlimited authority.

The plan, according to which the power of the  
 sovereign was exercised in the government of the  
 country, resembled that which has almost universally  
 prevailed in the monarchies of Asia, and was a con-  
 trivance extremely simple and rude. In the more  
 skilful governments of Europe, officers are appointed  
 for the discharge of particular duties in the different  
 provinces of the empire ; some for the decision of  
 causes, some for the control of violence, some for  
 collecting the contingents of the subjects, for the ex-  
 pense of the state ; while the powers of all center  
 immediately in the head of the government, and all  
 together act as connected and subordinate wheels in  
 one complicated and artful machine. Among the less  
 instructed and less civilized inhabitants of Asia, no  
 other plan has ever occurred to the monarch, for the  
 administration of his dominions, than simply to di-  
 vide his own authority and power into pieces or frag-  
 ments, as numerous as the provinces into which it  
 was deemed convenient to distribute the empire. To  
 each of the provinces a vicegerent was dispatched,  
 who carried with him, the undivided authority and  
 jurisdiction of his master. Whatever powers the  
 sovereign exercised over the whole kingdom, the  
 vicegerent exercised in the province allotted to him ;  
 and the same plan which the sovereign adopted for  
 the government of the whole, was exactly followed

by the vicegerent in the government of a part.<sup>1</sup> If the province committed to his sway was too extensive for his personal inspection and control, he subdivided it into parts, and assigned a governor to each, whom he intrusted with the same absolute powers in his district, as he himself possessed in the administration of the greater department. Even this inferior deputy often divided his authority, in the same manner, among the governors, whom he appointed, of the townships or villages under his control. Every one of those rulers, whether the sphere of his command was narrow or extensive, was absolute within it, and possessed the whole power of the sovereign, to levy taxes, to raise and command troops, and to decide upon the lives and property of the subjects. The gradations of command among the Hindus were thus regulated: The lowest of all was the lord of one town and its district; The next was the lord of ten towns; The third was the lord of twenty towns; The fourth was the lord of 100 towns; And the highest vicegerent was lord of 1000 towns. Every lord was amenable to the one immediately above him, and exercised unlimited authority over those below.<sup>2</sup> The

<sup>1</sup> Kœmpfer, in his History of Japan, book i. chap. v. says, "The whole empire is governed in general by the Emperor, with an absolute and monarchical power, and so is every province in particular by the prince, who, under the Emperor, enjoys the government thereof."—For the similarity of the institution in the Ottoman government, see Volney's Travels in Syria and Egypt, ii. 376.

<sup>2</sup> Laws of Menu, ch. vii. 115—117. There is a very remarkable similarity between this mode of subdividing authority among the Hindus, and that adopted by the Incas of Peru. "The Incas," (says Garcilasso de la Vega, part i. book ii. ch. v.) "had one method and rule in their government, as the best means to prevent all mischiefs and disorders; which was this. That of all the people in every place, whether more or less, a register should be kept, and a division made of ten and ten, over which one of the ten, whom they called the Decurion, was made superior over the other nine; then every five divisions of this nature had a lord over them, to whom was committed the charge and

following law appears to provide for their personal expenses: "Such food, drink, wood, and other articles, as by law should be given each day to the king, by the inhabitants of the township, let the lord of one town receive. let the lord of ten towns enjoy the produce of two plough-lands; the lord of twenty, that of five plough-lands; the lord of 100, that of a village or small town; the lord of 1000, that of a large town"<sup>1</sup> The expense of the government of each vicegerent was defrayed out of the taxes which he levied, and the surplus was transmitted to the superior lord, to whom he was immediately responsible. From him it was again conveyed to the governor above him, till it reached, at last, the royal treasury.

If this plan of government was unskilful and rude, so was the contrivance employed for checking the abuses to which it was liable. "The affairs of these townships," says the law, "either jointly or separately transacted, let another minister of the king inspect, who should be well affected, and by no means remiss. In every larger town or city, let him appoint one superintendant of all affairs, elevated in rank, formidable in power, distinguished as a planet among stars: Let that governor, from time

care of fifty, then over two divisions of fifty, another lord, who supervised 100, so five divisions of 100 had a magistrate who commanded 500; the divisions of 100 had a leader over 1000, &c. The highest officer under the Incas was the governor of a province. Each inferior officer accounted for his conduct to the superior next above him. See further Acosta, Nat. and Mor. Hist. of the Indies, book vi. ch. xiii; Carli, Lettres sur l'Amerique, let. xiii. The analogy of the Anglosaxon institution of tythings, or ten families, of hundreds, or ten tythings, and counties, will suggest itself to every imagination.

<sup>1</sup> Laws of Menu, ch. vii. 118, 119. The first of these provisions, that for the lord of one town, is not accurately ascertained, the two or five plough-lands are sufficiently distinct, but the produce of a village or large town must have been extremely uncertain and ambiguous

to time, survey all the rest in person, and, by the means of his emissaries, let him perfectly know their conduct in their several districts.”<sup>1</sup> Of the practical state of the government abundant proof is afforded. In the passage which immediately follows, “Since the servants of the king,” it is said, “whom he has appointed guardians of districts, are generally knaves, who seize what belongs to other men, from such knaves let him defend his people; of such evil-minded servants, as wring wealth from subjects attending them on business, let the King confiscate all the possessions, and banish them from his realm.”<sup>2</sup>

At the head of this government stands the king, on whom the great lords of the empire immediately depend. He is directed by the law to choose a Council, consisting “of seven or eight ministers, men whose ancestors were servants of kings, who are versed in the holy books, who are personally brave; who are skilled in the use of weapons, and whose lineage is noble.”<sup>3</sup> With them he is commanded perpetually to consult on the affairs of his government; but a singular mode of deliberation is prescribed to him; not to assemble his Council, and, laying before them, as in the cabinets of European princes, the subject on which the suggestions of their wisdom are required, receive the benefit arising from the mutual communication of their knowledge and views; a plan, apparently more artful and cunning, more nearly allied to the suspicious temper and narrow views, of a rude period, is recommended; to consult them apart, and hear the opinion of each

<sup>1</sup> Laws of Menu, ch. vii. 120—122. A similar officer formed a similar part of the Peruvian establishment. He was denominated *Cucuy Kioc*, which is to say, “Eye of all.” Carli, *Lettres sur l’Amerique*, let. xiii.

<sup>2</sup> Menu, ut supra, 123, 124.

<sup>3</sup> Ibid. 54.

BOOK II  
 CHAP. 3.

separately; after which, having consulted them in common, when each man is swayed by the opinion he had formerly given in private, and has a motive of interest and vanity to resist the light which might be thrown upon the subject by others, the king himself is to decide.<sup>1</sup> A Brahmen ought always to be his prime minister. "To one learned Brahmen, distinguished among the rest, let the king impart his momentous counsel."<sup>2</sup>

To provide for the defence of the country was one great branch of the duties of the sovereign, and to preside over the military force was his great prerogative and distinction. As in the original division of the people, a fourth part of them were appropriated to the profession of arms, and destined from that alone to obtain their subsistence, the great difficulty of government must have consisted, not in obtaining troops, but in finding for them maintenance and employment. When so great a proportion of the population were set apart for the business of war, with nothing to do, from year to year, and from generation to generation, but to improve its principles, and acquire the utmost dexterity in its exercises, it appears extraordinary that the nation was not of a formidable and warlike character. Yet has India given way to every invader; "and the rudeness," says Mr. Orme,<sup>3</sup> "of the military art in Indostan

<sup>1</sup> Laws of Menu, ch vii. 56. Another precept to the king, respecting the mode of consulting with his ministers, is very expressive of the simplicity of the times; "Ascending up the back of a mountain, or going privately to a terrace, a bower, a forest, or a lonely place, without listeners, let him consult with them unobserved" Ib 147.

<sup>2</sup> Ib 58.

<sup>3</sup> Orme on the Government and People of Indostan, p 417. The same accurate and intelligent observer immediately adds, "The infantry consists in a multitude of people assembled together without regard to rank and file," &c

can scarce be imagined but by those who have seen it.” The precepts in the ancient and sacred books of the Hindus, which lay the foundation of their military system, are few in number, simple, and rude. For the security of the royal residence, the king is directed to take up his abode<sup>1</sup> “in a capital, having, by way of fortress, a desert rather more than twenty miles round it, or a fortress of earth, a fortress of water or of trees, a fortress of armed men, or a fortress of mountains.” Their great unskillfulness in the science of attack and defence led them to place great dependence on fortification, as appears by a variety of their precepts. “One bowman,” says Menu,<sup>2</sup> “placed on a wall is a match in war for 100 enemies, and 100 for 10,000; therefore is a fort recommended.” Yet their knowledge of fortification was elementary, and mostly consisted in surrounding the place with a mud wall and a ditch, or availing themselves of the natural advantages which insulated rocks, which water, or impervious thickets, could afford. The duty and advantage of maintaining at all times a powerful army are enforced in the most cogent terms. “By a king,” says Menu, “whose forces are always ready for action, the whole world may be kept in awe; let him then, by a force always ready, make all creatures living his own.”<sup>3</sup> In recommending a perpetual standing army, the preceptive part of the military doctrine of the Hindus seems in a great measure to have been summed up; for the marshalling, the discipline, the conduct of an army, in any of its branches, no instruction is conveyed. General exhortations to firmness and valour are all the additional advice of which the utility appears to have been recognized. The Hindu prince is, by

BOOK II.  
CHAP. 3.

<sup>1</sup> Laws of Menu, ch. vii. 70.

<sup>2</sup> Ib. 74.

<sup>3</sup> Ib. 103.

BOOK II divine authority, informed, that those rulers of the  
 CHAP 3. earth, who, "desirous of defeating each other, exert  
 their utmost strength in battle, without ever averting  
 their faces, ascend after death directly to heaven."<sup>1</sup>  
 "Never to recede from combat," says Menu, "to  
 protect the people, and to honour the priests, is the  
 highest duty of kings, and ensures their felicity."<sup>2</sup>  
 Of a great part of the duty which devolved upon  
 the king, as head of the armed force, he appears  
 to have been relieved by a deputy.<sup>3</sup> In times of  
 peace the military people seem to have been dis-  
 tributed over the country, under the command of  
 the governors of provinces and of districts, for local  
 defence, for the preservation of local tranquillity,  
 and for the convenience of subsistence. When a  
 general war demanded the whole force of the nation,  
 the king commanded the governors of provinces  
 to assemble the soldiers under their command, and  
 repair to his standard.<sup>4</sup> From this circumstance it  
 has been rashly concluded, that feudal conditions of  
 military service, in fact a feudal government, highly  
 resembling that which existed in Europe, had place  
 in Hindustan.

After the care of protecting the nation from foreign  
 aggression or from internal tumult, the next duty  
 of the king was the distribution of justice. In the  
 first stage of society, the leader in war is also the  
 judge in peace; and the regal and judicial functions  
 are united in the same person. Various circum-  
 stances tend to produce this arrangement. In the  
 first place, there are, then, hardly any laws: and he  
 alone is entitled to judge, who is entitled to legislate,

<sup>1</sup> Laws of Menu, ch vii 89

<sup>2</sup> Ib 80.

<sup>3</sup> "The forces of the realm must be immediately regulated by the  
 commander in chief" Ib. 65

<sup>4</sup> Ib 113—120.

since he must make a law for every occasion. In the next place, a rude people, unused to obedience, would hardly respect inferior authority. In the third place, the business of judicature is so badly performed as to interrupt but little the business or pleasures of the king; and a decision is rather an exercise of arbitrary will and power, than the result of an accurate investigation. In the fourth place, the people are so much accustomed to terminate their own disputes, by their own cunning, or force, that the number of applications for judicature is comparatively small. As society advances, a set of circumstances, opposite to these, are gradually introduced: laws are made which the judge has nothing to do but apply: the people learn the advantage of submitting to inferior authority: a more accurate administration of justice is demanded, and cannot be performed without a great application both of attention and of time: the people learn that it is for the good of the community, that they should not terminate, and that they should not be allowed to terminate, either by force or fraud, their own disputes: the administration of justice becomes then too laborious to be either agreeable to the king, or consistent with the other services which he is expected to render: and the exercise of judicature becomes a separate employment, the exclusive function of a particular order of men.

The administration of justice by the king in person, and in the provinces of course by his deputies, as in the subordinate districts by theirs, stands in the sacred books as a leading principle of the jurisprudence of the Hindus; and the revolution of ages has introduced a change in favour rather of the prince who abandons the duty, than of the people, for whom hardly any other instrument of judicature is provided.



BOOK II  
 CHAP. 3 In the infancy of improvement, the business of the judge is much more to award punishment, than to settle disputes. The Hindu law, accordingly, represents the king, as "created for the guardianship of all, a divinity in human form, to inflict punishment according to the Shaster."<sup>1</sup> In conformity with these rude ideas, the most extravagant praises are bestowed upon this engine of royalty. "For the use of the king, Bramah formed, in the beginning of time, the genius of punishment with a body of pure light, his own son, the Protector of all created things. Punishment governs all mankind; punishment alone preserves them; punishment wakes while their guards are asleep; the wise consider punishment as the perfection of justice. If the king were not, without indolence, to punish the guilty, the stronger would roast the weaker, like fish, on a spit. The whole race of man is kept in order by punishment; for a guiltless man is hard to be found."<sup>2</sup>

For the more perfect discharge of this important duty the king is directed to associate with himself Brahmens, and counsellors capable of giving him advice.<sup>3</sup> Any Brahmen, or even a person of the two middle classes, may interpret the law to him; but a Sudra in no case whatever.<sup>4</sup> On those occasions on which it was impossible for the king to give judg-

<sup>1</sup> Halhed's *Gentoo Code*, preface

<sup>2</sup> *Laws of Menu*, ch. vii. 14—22

<sup>3</sup> *Ib.* ch. viii. 1

<sup>4</sup> *Ib.* ch. viii. 20 To learned and righteous Brahmens the magistrate shall give money, and every token of respect and consideration in the judgment seat, to have them near him; but he shall not retain fewer than ten of such Brahmen. *Gentoo Code*, ch. iii. sect. 1. The more sacred books of law the men by denomination *holy* were alone permitted to read. Thus the law of *Menu* (ch. ii. 16) "He whose life is regulated by holy texts, from his conception even to his funeral pile, has a decided right to study this code, but no other person whatsoever." The more profane commentaries, however, were less confined, and the man versed in these might suffice for the common business of administering justice.

ment in person, he was empowered to appoint a Brahmen, who, with three assessors, might try causes in his stead.<sup>1</sup>

BOOK II.  
CHAP. 3.

So much with regard to the constitution of the tribunals. The solemnities of jurisdiction were thus ordered to proceed: "Let the king, or his judge, having seated himself on the bench, his body properly clothed, and his mind attentively fixed, begin with doing reverence to the deities who govern the world, and then let him enter on the trial of causes."<sup>2</sup> The form of process was simple, and good; as it always is among a rude people. The parties were heard, generally in person; though lawyers by profession, unless in the case of certain high crimes, might appear in lieu of the principals. The application of the plaintiff might be either oral or written; but the answer was required to be in the same form; oral, if the application was oral; and in writing, if it was otherwise.<sup>3</sup> The judge examines the witnesses; inspects, if any, the writings; and without any intricate or expensive forms proceeds directly to a decision. Punishment immediately follows conviction.<sup>4</sup>

One of the most respected witnesses affords a picture of the practical state of judicature in India, which, there is every reason to believe, may, with immaterial variations, be applied to Hindu society from the period at which it first attained its existing form. "No man is refused access to the Durbar, or seat of judgment; which is exposed to a large area,

<sup>1</sup> Laws of Menu, ch. viii. 9, 10. The Gentoo Code, translated by Mr. Halhed, directs, that when the king in person cannot examine a cause, he substitute a learned Brahmen; if a Brahmen cannot be found, a Cshatriya, &c. but in no case a Sudra. Gentoo Code, ch. iii. sect. 1.

<sup>2</sup> Laws of Menu, ch. viii. 9, 10.

<sup>3</sup> Gentoo Code, ch. iii. sect. 5.

<sup>4</sup> Orme on the Government, &c. of Indostan, p. 451.

BOOK II capable of containing the multitude<sup>1</sup> The plaintiff  
 CHAP 3. discovers himself by crying aloud, Justice! Justice!  
 until attention is given to his importunate clamours. He is then ordered to be silent, and to advance before his judge; to whom, after having prostrated himself, and made his offering of a piece of money, he tells his story in the plainest manner, with great humility of voice and gesture, and without any of those oratorical embellishments which compose an art in freer nations.—The wealth, the consequence, the interest, or the address of the party, become now the only considerations. He visits his judge in private, and gives the jar of oil: his adversary bestows the hog which breaks it. The friends who can influence interfere; and, excepting where the case is so manifestly proved as to brand the failure of redress with glaring infamy (a restraint which human nature is born to reverence) the value of the bribe ascertains the justice of the cause.—This is so avowed a practice, that if a stranger should inquire how much it would cost him to recover a just debt from a creditor who evaded payment, he would every where receive the same answer, the government will keep one-fourth, and give you the rest.—Still the forms of justice subsist, witnesses are heard, but brow-beaten and removed: proofs of writing produced, but deemed forgeries and rejected, until the way is cleared for a decision, which becomes totally or partially favourable, in proportion to the methods which have been used to render it such; but still with some attention

<sup>1</sup> This publicity of judicial proceedings is common to rude nations. In the country and days of Job, the judge sat at the gate of the city, ch ix ver 7. Moses alludes to the same practice, Gen xxiii 18, and Homer tells us it was the practice in the heroic ages of Greece, Il lib xxiii ver 497.

to the consequences of a judgment, which would be of too flagrant iniquity not to produce universal detestation and resentment.—Providence has, at particular seasons, blessed the miseries of these people with the presence of a righteous judge. The vast reverence and reputation which such have acquired are but too melancholy a proof of the infrequency of such a character. The history of their judgments and decisions is transmitted down to posterity, and is quoted with a visible complacency on every occasion. Stories of this nature supply the place of proverbs in the conversations of all the people of Indostan, and are applied by them with great propriety.”<sup>1</sup>

BOOK II.  
CHAP. 3.

Such are the principal branches of the duty of the sovereign, and in these various institutions may be contemplated an image of the Hindu government. It is worthy of a short analysis. The powers of government consisting of three great branches, the legislative, the judicial, and the administrative; we have to inquire, in what hands these several powers are deposited, and by what circumstances their exercise is controlled. As the Hindu believes, that a complete and perfect system of instruction, which admits of no addition or change, was conveyed to him from the beginning by the Divine Being, for the regulation of his public as well as his private affairs, he acknowledges no laws but those which are contained in the sacred books. From this it is evi-

<sup>1</sup> Orme on the Government and People of Indostan, p. 444—446. Another of our most instructive travellers, Mr. Foster, in the Dedication prefixed to his Journey from Bengal to England, p. vii., calls Hindustan, “A land whose every principle of government is actuated by a rapacious avarice, whose people never approach the gate of authority without an offering.”—This is a subject to which he often adverts; he says again, (i. 7,) “In Asia, the principles of justice, honour, or patriotism, as they confer no substantial benefit, nor tend to elevate the character, are seldom seen to actuate the mind of the subject.”

dent, that the only scope which remains for legislation is confined within the limits of the interpretations which may be given to the holy text. The Brahmens enjoy the undisputed prerogative of interpreting the divine oracles ; for though it is allowed to the two classes next in degree to give advice to the king in the administration of justice, they must in no case presume to depart from the sense of the law which it has pleased the Brahmens to impose. The power of legislation, therefore, exclusively belongs to the priesthood. The exclusive right of interpreting the laws necessarily confers upon them, in the same unlimited manner, the judicial powers of government. The king, though ostensibly supreme judge, is commanded always to employ Brahmens as counsellors and assistants in the administration of justice ; and whatever construction they put upon the law, to that his sentence must conform. Whenever the king in person discharges not the office of judge, it is a Brahmen, if possible, who must occupy his place. The king, therefore, is so far from possessing the judicial power, that he is rather the executive officer by whom the decisions of the Brahmens are carried into effect.

They who possess the power of making and interpreting the laws, by which another person is bound to act, are by necessary consequence the masters of his actions. Possessing the legislative and judicative powers, the Brahmens were, also, masters of the executive power, to any extent, whatsoever, to which they wished to enjoy it. With influence over it they were not contented. They secured to themselves a direct, and no contemptible share of its immediate functions. On all occasions, the king was bound to employ Brahmens, as his counsellors and ministers ; and, of course, to be governed by their judgment. " Let the king, having risen early," says

the law, "respectfully attend to Brahmens learned in the three Vedas, and by their decision let him abide."<sup>1</sup> It thus appears that, according to the original laws of the Hindus, the king was little more than an instrument in the hands of the Brahmens. He performed the laborious part of government, and sustained the responsibility, while they chiefly possessed the power.<sup>2</sup>

BOOK II.  
CHAP. 3.

The uncontrollable sway of superstition, in rude and ignorant times, confers upon its ministers such extraordinary privileges, that the king and the priest are generally the same person; and it appears somewhat remarkable that the Brahmens, who usurped among their countrymen so much distinction and authority, did not invest themselves with the splendour of royalty. It very often happens that some accidental circumstances, of which little account was taken at the time, and which after a lapse of ages it is impossible to trace, gave occasion to certain peculiarities which we remark in the affairs and characters of nations. It is by no means unnatural to suppose, that to a people, over whom the love of repose exerts the greatest sway, and in whose character aversion to danger forms a principal ingredient, the toils and perils of the sword appeared to surpass the advantages with which it was attended; and that the Brahmens transferred to the hands of others, what

<sup>1</sup> Laws of Menu, ch. vii. 37.

<sup>2</sup> Even under a system, where the power of the altar was from the beginning rendered subservient to the power of the sword, the right of interpreting a code of sacred laws is found to confer an important authority. Hear the opinion of a recent, and penetrating observer:—"L'expression vague des preceptes du Kóran, seule loi écrite dans les pays Musulmans, laisse aux docteurs une grande latitude pour les interpretations, et bien des moyens d'augmenter leur autorité. Quoique cette religion ait peu de dogmes, le fanatisme qu'elle inspire est un instrument que les prêtres savent employer avec succès." De l'Égypte, par le Gen. Reynier, p. 62.

BOOK II. was thus a source of too much labour, as well as  
 CHAP. 3. danger, to be retained in their own.

So many, however, and important were the powers which this class reserved to themselves, that the kingly dignity would appear to have been reduced to that of a dependant and secondary office. But, with this inference the fact does not correspond. The monuments of the Hindus, imperfect as they are, convince us, that their monarchs enjoyed no small share both of authority, and of that kind of splendour, which corresponded with their own state of society. They had entrusted to them two engines, the power of which their history serves remarkably to display: They were masters of the army; And they were masters of the public revenue. These two circumstances, it appears, were sufficient to counterbalance the legislative, and the judicative, and even a great part of the executive power, reinforced by all the authority of an overbearing superstition; lodged in the hands of the Brahmens. These threw around the sovereign an external lustre, with which the eyes of uncultivated men are easily dazzled. In dangerous and disorderly times, when every thing which the nation values depends upon the sword, the military commander exercises unlimited authority by universal consent; and so frequently is this the situation of a rude and uncivilized people, surrounded on all sides by rapacious and turbulent neighbours, that it becomes, in a great measure, the habitual order of things. The Hindu king, by commanding, both the force, and the revenue of the state, had in his hands the distribution of gifts and favours; the potent instrument, in short, of patronage; and the jealousy and rivalry of the different sets of competitors would of their own accord give him a great influence over the Brahmens themselves. The dis-

tribution of gifts and favours is an engine, of such power, that the man who enjoys it to a certain extent is absolute, with whatever checks he may appear to be surrounded.<sup>1</sup>

BOOK II.  
CHAP. 3.

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<sup>1</sup> See what is observed by three great authors, Hume, Blackstone, and Paley, on the influence of the crown in England. See also what is observed by Lord Bolingbroke on the same subject, in his *Dissertation on Parties*.



## CHAP. IV.

*The Laws.*

BOOK II. **N**EXT to the form of government, in determining  
 CHAP. 4 the political condition of the people, is the body of  
 law, or the mode in which the rights of individuals  
 are expressed and secured. For elucidating this  
 important point, in the history of the Hindus, materials  
 are abundant. The detail, however, or even  
 the analysis, of the Hindu code, would far exceed the  
 bounds, to which, in a work like the present, this  
 topic must be confined. An accurate conception of  
 the character and spirit of the Hindu laws, and of  
 their place in the scale of excellence or defect, is  
 all I can attempt to convey.

Amid the imperfections adhering to the state of  
 law among a rude and ignorant people, one observa-  
 tion is, that they preserve not their maxims of justice,  
 and their rules of judicial procedure, distinct from  
 other subjects. In the law books of the Hindus, the  
 details of jurisprudence and judicature occupy com-  
 paratively a very moderate space<sup>1</sup> The doctrines  
 and ceremonies of religion; the rules and practice of  
 education; the institutions, duties, and customs of  
 domestic life; the maxims of private morality, and  
 even of domestic economy; the rules of government,

<sup>1</sup> Examine that important specimen of an original Hindu book of law,  
 the Institutes of Menu. See too the confession of Mr. Colebrooke in the  
 preface to his translation of the Digest of Hindu Law on Contracts and  
 Successions, a work compiled a few years ago, under authority of the  
 English government, by some of the most learned and respectable of the  
 Brahmens

of war, and of negotiation; all form essential parts of the Hindu codes of law, and are treated in the same style, and laid down with the same authority, as the rules for the distribution of justice. The tendency of this rude conjunction of dissimilar subjects is, amid other inconveniences, to confound the important distinction between those obligations which it is the duty of the magistrate to enforce, and those which ought to be left to the suggestions of self-interest, and the sanctions of morality; it is to extend coercion, and the authority of the magistrate, over the greater part of human life, and to leave men no liberty even in their private and ordinary transactions, while it lessens greatly the force of the legal sanction in those cases in which its greatest efficiency is required.

Another topic, which it will be convenient to detach and premise, is the division and arrangement, which the Hindus have given to the matter of law. In marking a stage of civilization, this is a very characteristic circumstance. The human mind, as, in a rude state, it has not the power to make a good distribution of a complicated subject, so it is little aware of its importance; little aware that this is the groundwork of all accurate thought. In the *Institutes of Menu*, the most celebrated perhaps of all the original compends of Hindu law, the titles, as they are there denominated, or divisions, of law, are eighteen, laid down in the following order:—1. Debt, on loans for consumption; 2. Deposits and loans for use; 3. Sale without ownership; 4. Concerns among partners; 5. Subtraction of what has been given; 6. Nonpayment of wages or hire; 7. Nonperformance of agreements; 8. Rescission of sale and purchase; 9. Disputes between master and servant; 10. Contests on bounda-

ries; 11 and 12. Assault, and slander; 13. Larceny; 14. Robbery and other violence; 15. Adultery; 16, Altercation between man and wife and their several duties; 17. The law of inheritance; 18. Gaming with dice and with living creatures.<sup>1</sup> It is not easy to conceive a more rude and defective attempt at the classification of laws, than what is here presented. The most essential and obvious distinctions are neglected and confounded. Though no arrangement would appear more natural, and more likely to strike even an uncultivated mind, than the division of laws into civil and penal, we find them mixed and blended together in the code of the Hindus. The first nine of the heads or titles, as above, refer to civil law; the eleventh, twelfth, thirteenth, fourteenth, and fifteenth, to criminal law; the sixteenth and seventeenth return to civil, and the eighteenth to criminal, while the tenth relates partly to the one and partly to the other.

Another ground of division, well calculated, as being exceedingly obvious, to strike an uncultivated mind,

<sup>1</sup> Laws of Menu, ch viii The division and arrangement of the same subject, in the compilation translated by Mr Halhed, is very similar, as will appear by the following titles of the chapters — 1 Of lending and borrowing, 2 Division of inheritable property, 3 Of justice, 4 Trust or deposit; 5 Selling a stranger's property, 6 Of shares, 7 Alienation by gift, 8 Of servitude, 9 Of wages, 10 Of rent or hire, 11 Purchase or sale, 12 Boundaries or limits, 13 Shares in the cultivation of land, 14 Of cities, towns, and of the fines for damaging a crop, 15 Scandalous and bitter expressions; 16 Of assaults, 17. Theft, 18 Violence, 19 Adultery; 20 Of what concerns women, 21 Of sundry articles In the elaborate Digest on the subject of Contracts and Inheritances, which has been translated by Mr Colebrooke, the titles of the books, as far as they extend, coincide exactly with the titles in the Institutes of Menu, thus, Book 1 On loans, and their payment, Book 2 On deposits, Book 3 On the nonperformance of agreements, Book 4 On the duties of man and wife The part of the work which relates to inheritance is included in one book, and is the same with the 17th title enumerated in the Institutes of Menu

is the distinction of persons, and things. This was the ground-work of the arrangement bestowed upon the Roman laws. It is that of the arrangement which continues to prevail in the English; rude as it is, at once the effect, and the cause, of confusion.<sup>1</sup> It will be seen, however, that even this imperfect attempt at a rational division was far above the Hindus.

BOOK II.  
CHAP. 4.

In the order in which the titles follow one another, no principle of arrangement can be traced. The first eight of the heads may be regarded as allotted to the subject of contracts; but a more rude and imperfect division of contracts cannot easily be conceived. Not to dwell upon the circumstance of beginning with loans, one of the most remote and refined contracts, instead of the more obvious and simple, we may observe that the subject of purchase and sale is divided into two parts; but, instead of being treated in conjunction with one another, one occupies the third place in the list of titles, the other the eighth; and a number of heterogeneous subjects intervene. "Concerns among Partners," is a title which occupies the middle place between that of "Sale without Ownership," and "Subtraction of what has been given;" with neither of which it has any relation. "Nonpayment of wages or hire" stands immediately before "Nonper-

<sup>1</sup> The Romans, by the ambiguity of their word *jura*, which signified either *rights* or *laws*, were enabled to use, without manifest impropriety, such expressions as, *jura* of persons, and *jura* of things: for though it was absurd to talk of the *rights* of things, things having a right to nothing, yet it was not absurd to talk of the *laws* of things. In their expressions *jura personarum* and *jura rerum*, there was, therefore, only confusion of ideas, and ambiguity. The English lawyers, from two of their characteristic properties, blind imitation, and the incapacity of clearing confused ideas, have adopted the same division; though in their set of phrases, rights of persons, and rights of things, there is not only confusion and ambiguity, but gross absurdity.

BOOK II. formance of Agreements," though the latter is a general title in which the former is included. The latter  
 CHAP. 4. indeed is remarkable; for it is so general that it includes the whole subject of contracts, though it is here placed as only one, and the last save one, among nine different titles or divisions of that subject. Several of the titles are nothing but particular articles, belonging to some of the other divisions; and are with great impropriety made to stand as separate and primary heads. The contracts for example, between master and servant, are part of the great subject Location, or letting and taking to hire, including services as well as things; yet are these contracts here treated of under two distinct titles; the one, "Non-payment of wages or hire," the other, "Disputes between master and servant," and even these are separated from one another by two intervening subjects. "Concerns among partners," is an article, little, surely, entitled to stand as a separate head among the primary divisions of law; since the rights of individuals in a joint property fall under the same distinctions and rules which determine their rights in other property.<sup>1</sup> Where one branch of one great topic,

<sup>1</sup> A very odd attempt at a further generalization upon the first nine titles appears in Mr. Colebrooke's Digest. His first book, On Loans, corresponds exactly with the first title in the Institutes of Menu. His second book, On Deposits, is divided into four chapters, which are exactly the 2d, 3d, 4th, and 5th titles in the list of Menu. His third book, which is entitled, "On the Nonperformance of Agreements," is divided into four chapters, and these are the same with the four succeeding titles in the classification of Menu.—1. Loans, 2. Deposits, 3. Nonperformance of agreements: These, according to the logic of the Digest, are the grand classes of contracts, and the titles which belong to them. The last of the titles, it is evident, cannot belong to any particular class: Nonperformance is incident to all classes of contracts. Either, therefore, this is an improper title altogether, or it ought to stand as the title of the whole subject of contracts: and then Nonperformance of Agreements would include, *loans, deposits, and every thing else*. Under

as transfer of ownership, is taken up, and concluded, it would appear a very necessary arrangement to pass on to another: when transfer by contract for example, is finished, to begin with transfer by descent. Such obvious rules appear to have had no influence in the framing of the Hindu systems of law: when the subject of contracts is ended, the principal branches of criminal law are introduced; and, after these and some other topics are finished, then follows the great subject of inheritance.<sup>1</sup>

BOOK II.  
CHAP. 4.

In order to convey, in as narrow a compass as possible, an idea of the maxims and spirit of Hindu jurisprudence, it will be convenient not to follow the mangled division of the Hindus themselves. Omitting the laws, which regulate the political order, which determine who are to govern, who are to obey, and define the terms of command and obedience; laws are conveniently distributed under the three usual heads; I. Civil laws, though *Civil* is a very objectionable term; II. Penal laws; and III. The laws of judicature, or those which fix the mode in which the

*Deposits* the Digest includes the following sub-titles, 1. Deposits, and other bailments; 2. Sale without ownership; 3. Concerns among partners; 4. Subtraction of gifts: of which the last two have no more to do with *deposits* than they have with *louns*, or any the most remote branch of the subject; and the second is either a part of the first, and ought to have been included under it, as relating to the sale of things deposited, or that also has no connexion with the title. Let us next contemplate the sub-titles included under *Nonperformance of Agreements*. They are, 1. Nonpayment of wages or hire; 2. Nonperformance of agreements, chiefly in association; 3. Rescission of purchase and sale; 4. Disputes between master and herdsman: As if these included all the agreements of which there could be nonperformance. The first and last of them, moreover, are the same thing, or the last is a portion of the first. It is needless to carry the criticism further.

<sup>1</sup> It is curious, though somewhat humbling, to observe how far great men may let authority mislead them. "The articles," says Dr. Robertson, "of which the Hindu code is composed, are arranged in natural and luminous order." Disquisition concerning India, Appendix, p. 217.

BOOK II. judicial services are rendered. Under each of these heads, such particulars have been carefully selected from the multitude of Hindu laws, as appeared the best calculated to convey an idea of the leading qualities of the Hindu code, and of the stage of civilization at which it may appear to have been formed.

I. Under the first of these heads, property is the great subject of law: To this we may confine our illustrations.

It is needless to remark, that the sources of acquisition, by occupancy, by labour, by contract, by donation, by descent; which are recognized in almost all states of society, are recognized in Hindustan. It is in the accuracy with which the intended effects of these incidents are defined, and in the efficiency of the means taken to secure the benefits they convey, that the excellence of one system above another is more particularly observed.

Though property, in the first stage of its existence, was probably measured by occupancy, and the one ceased with the other, the privilege was early conferred of alienating for a valuable consideration, or of transferring by purchase and sale. As this is a very simple compact, it appears to admit of little variety in the various stages of human improvement. In an age, however, in which the means of detecting fraudulent acquisitions, and of proving the good faith of contracts and bargains, are imperfectly known, purchases and sales, made in public, are alone consi-

<sup>1</sup> Lord Kames, *Historical Law Tracts*, p. 123, 154. Grotius *de Jure Belli ac Pacis*, lib. II. cap. II. 2. Blackstone's *Commentaries* on the *Laws of England*, book II. c. i. The annotator on some of the late editions of Blackstone differs from the doctrine in the text. But that writer seems to have mistaken an important circumstance, carefully attended to by the great lawyers quoted above, that when the commodities of the earth began to be appropriated they were not without owners, but the common domain of the race at large.





BOOK II. be restored.<sup>1</sup> Among children, and among rude people,  
 CHAP. 4. little accustomed to take their decisions upon full and  
 mature consideration, nothing is more common than  
 to repent of their bargains, and wish to revoke them :  
 Among the Hindus this has been found an affair of  
 sufficient importance to constitute an entire head in  
 the classification of their laws. A variety of cases  
 are enumerated, in which, if dissatisfied with his  
 bargain, a man may insist upon having it annulled; and  
 in general any sale and purchase of things, not perish-  
 able, may be rescinded within ten days, at the will of  
 either of the parties:<sup>2</sup> another law, altogether in-  
 compatible with an age in which the divisions and  
 refinements of industry have multiplied the number  
 of exchanges. The regulation, which fixes the  
 price of things, instead of leaving it to the natural and  
 beneficent laws of competition, conveys not a high  
 idea of the knowledge of the Hindus. "Let the  
 king," says the ordinance of Menu, "establish rules  
 for the sale and purchase of all marketable things.  
 Once in every five nights, or at the close of every half  
 month, let him make a regulation for market prices."<sup>3</sup>

<sup>1</sup> A curious enumeration of the cases in which the property of one man is so incorporated with that of another as to be inseparable, is given in the Roman law, under the head of *Accessio Inklusio*, *adfer-ruminatio*, *intextura*, *inardificatio*, *scriptura*, *pictura*, *specificatio*, *commixtio*, et *confusio*.

<sup>2</sup> The English law (a few special cases excepted) gives an absolute right of property to the bona fide purchaser, by whatever means the commodity may have come into the hands of the vendor. If the English law, however, takes care of the purchaser, it must be owned that it is deplorably defective in the care which it takes of the party by whom the commodity is lost.

<sup>3</sup> Laws of Menu, ch viii 222, 223. See also Halhed's Code of Gentoo Laws, ch xi and Mr Colebrooke's Digest of Hindu Law, book III ch iii.

<sup>4</sup> Ib. 401, 402. It is worthy of remark that this was a regulation too among the ancient Britons. *Leges Wallice*, lib. iii 247. Henry's Hist. Brit iv 202.

It is a circumstance full of meaning, that, under this BOOK II.  
head of bargain and sale, is arranged the obligation of CHAP. 4.  
the marriage contract.<sup>1</sup>

There are many occasions, on which it is useful to the owner of property, to place it in the keeping of another person, without transfer of the ownership. It may be placed, for safe-custody merely; for the sake of an operation, as with the dyer, for the benefit of his art; with the carrier, either by sea or land, for the sake of transportation; or it may be placed, as in the case of a valuable animal, for the sake of maintenance. These, and a variety of other transactions of a similar sort, are included in English law under the title of bailments. In a well-regulated society, where the house of one man is nearly as secure from violence as that of another, mere deposits, unless in the case of warehousing, the object of which is convenience or economy, rather than security, form a class of transactions of little comparative magnitude. In a rude society, in which there is little or no security, and in which the means of concealing valuables is one of the great studies of life, deposits become an object of the greatest importance. In the Hindu code, other cases of bailment occupy a narrow space: the article of deposits swells, alone, to a great size, and forms a subject of considerable intricacy and detail.<sup>2</sup> The modes of proof constitute the chief peculiarities in the provisions, and will be considered, when we speak of the third branch of jurisprudence.

<sup>1</sup> Laws of Menu, ch. viii. 224 to 227.

<sup>2</sup> See Laws of Menu, ch. viii.; Halhed's *Gentoo Code*, iv.; *Colebrooke's Digest*, book II. ch. i.; *Heineccii Pandect.* pars III. lib. xvi. tit. 3, on the subject of deposits, and the importance of this class of transactions in the early days of Rome, with the causes of that importance.

The reader may see one of the few attempts which have been made to let in the light of common sense upon the law of England, in the *Essay on Bailments*, by Sir William Jones.

BOOK II. One rule, however, expressive of great simplicity, not to say rudeness, belongs exclusively to this article: "On failure of witnesses, to prove a deposit, let the judge actually deposit gold or precious things with the defendant, by the artful contrivance of spies. Should he restore that deposit, he is to be held innocent; if he deny it, he is to be apprehended and compelled to pay the value of both."<sup>1</sup>

Hiring; that is, transferring to another, for a valuable consideration, and to a definite extent, the use of any thing valuable; is a right which holds a sort of middle place between sale and bailment; and may extend to personal services as well as to commodities.<sup>2</sup> As this contract falls very naturally under the laws of purchase and sale,<sup>3</sup> it occupies a narrow space in the volumes of Hindu law, and as far as commodities are concerned, offers nothing particular for observation.<sup>4</sup> In the hire of personal services, three principal classes are distinguished; first, the students of the Veda, who discharge every menial office to

<sup>1</sup> Laws of Menu, ch. viii. 183.

<sup>2</sup> The language of English law in the case of this contract is defective, and a source of confusion. In the case of other contracts, it has one name for the act of one of the parties, another name for that of the other. Thus, in the case of exchange, one of the parties is said to sell, the other to buy; in that of a loan, one of the parties is said to lend, the other to borrow. In the present case, it often uses but one name for the acts of both parties; he who gives, and he who receives, the use, being both said to hire. The Civilians are saved from this inconvenience by the use of the Latin language; in which the act of the one party is termed *locatio*, that of the other *conductio*. To let and to hire, if uniformly employed, would answer the same purpose in English.

<sup>3</sup> Institut. Justin. lib. iii. tit. 25. *Locatio et conductio proxima est emptioni et venditioni, utdemque juris regulis consistit.*

<sup>4</sup> The simplicity of some of the enactments promotes a smile; "If a person hath hired any thing for a stipulated time he shall pay the rent accordingly." (Gentoo Code, x.) Again, "If a person, having agreed for the rent of the water of a pool, or of the water of a well, or of the water of a river, or of a house, does not pay it, the magistrate shall cause such rent and hire to be paid." Ibid.

their masters, and receive instruction in return : secondly handicrafts, who receive either stipulated wages, or, if no agreement has been made, one tenth of the profits on their labour ; thirdly, agricultural servants, who are always paid in kind ; for tending cows, one tenth of the milk ; for the culture of corn, one tenth of the crop.<sup>1</sup>

That peculiar species of transfer which is known by the name of loan is an object of great importance in the jurisprudence of all nations. Among the Hindus it stands as the first article in the classification of legal subjects, and in the Digest of Mr. Colebrooke occupies entirely one of the four books into which the compilers of that work have divided the laws of contract. From the peculiarities in the ideas and in the circumstances of the Hindus, it forms among them a subject of more than usual complexity. In an improved state of society, where the efficiency of laws, the diffusion of wealth, and the accommodations of business, have created a mutual confidence, loans are generally contracted on the security of law, without the actual custody or deposit of the property on which they may be secured. It is only in that extremely confined and degraded species of lending, abandoned to pawnbrokers, that pledges form a regu-

<sup>1</sup> If a hired servant perform not his work according to agreement, he shall be fined, and forfeit his wages. What he has been prevented by sickness from performing, he is allowed to execute after he is well ; but if he leaves unfinished, either by himself or a substitute, any part of the stipulated service, however small, he is deprived of the hire for the whole. One branch of this subject, the obligations between masters, and the servants who tend their cattle, is of so much importance, denoting a state of society approaching the pastoral, as to constitute a whole title of Hindu law. The principal object is to define those injuries accruing to the cattle, and those trespasses committed by them, for which the keeper is responsible. Laws of Menu, ch. viii. 214 to 218, and 229 to 244. Halhed's Gentoo Code, viii., ix. Colebrooke's Digest, book III. ch. ii. and iv.

BOOK II  
CHAP 4

lar and component part. In the more early and imperfect states of the social union, circumstances are very different. Law is both feeble and inaccurate, poverty reigns, violence prevails; and the man who is able to discharge his debts to-day may be stript of all his possessions to-morrow. In these circumstances, the security of law upon the person or property of the debtor is seldom sufficient; and the deposit of some equivalent property, as a pledge, is the obvious, and, in point of fact, the common resource. The doctrine of pledges forms one of the most considerable branches of this part of the Hindu code. The laws relating to them are laid down with great minuteness and solemnity; a variety of cases are distinguished; and the receipt of pledges appears to have formed a component part of a comparatively numerous and important class of transactions.<sup>1</sup> The responsibility of a second person, who becomes surety for the borrower, is another foundation on which Hindu loans are contracted; and the different species of it are not inaccurately distinguished.<sup>2</sup> Interest, or a consideration for property lent, appears to have been known at a very early stage of civilization.<sup>3</sup> As it is only interest on debts of money which is familiar to the members of a highly-civilized society, European visitors appear to have been forcibly struck with the Hindu law, which imposes an interest to be paid in kind on loans in goods, as grain, fruit, wool or hair, beasts of burden and the like.<sup>4</sup> Mr. Halhed says, "The different rate of interest to be paid for

<sup>1</sup> Laws of Menu, ch vii Halhed's Gentoo Code, ch 1 sect. 2 Colebrooke's Digest, part I book I ch iii

<sup>2</sup> Laws of Menu, ch viii Colebrooke's Digest, part I book I. ch iv. Halhed's Gentoo Code, ch 1 sect 3

<sup>3</sup> It was perfectly familiar to the Jews at the time of their departure from Egypt; Deuteron ch xxiii 10

<sup>4</sup> Laws of Menu, viii 151.

different articles is perhaps an institute peculiar to Hindustan; but it reflects a strong light upon the simplicity of ancient manners, before money was universally current as the medium of barter for all commodities, and is at the same time a weighty proof of the great antiquity of these laws, which seem calculated for the crude conceptions of an almost illiterate people upon their first civilization."<sup>1</sup> When Mr. Halhed, however, informs us that this law "reflects a strong light upon the simplicity of *ancient* manners," it is necessary to add that whatever light it reflects upon *ancient*, it reflects the same upon *present* manners, as this is not a law anciently in force, but long ago repealed; it is a law now in operation, and as suitable as ever to the purely Hindu state of society. Mr. Halhed too is mistaken when he supposes that this is an institution peculiar to the Hindus. It was familiarly known to the Jews in the time of Moses, and was probably a common practice in the nations around Judea, as well as in Egypt, from which the Jews had recently departed."<sup>2</sup>

To vary the rates of interest upon the different castes is a peculiarity more naturally arising from the unfair and odious distinctions among men, created by the Hindus. The rule established in the Institutes of Menu is, to take, when there is a pledge, one and a quarter per cent. per month; when there is no pledge, two per cent. per month; that is, from a Brahmen: but from a man of the military caste, three per cent.; four per cent. from one of the mercantile caste; and from a man of the servile caste

<sup>1</sup> Halhed, Preface to the Code of Gentoo Laws, p. 53.

<sup>2</sup> "Thou shalt not lend upon usury to thy brother, usury of money, usury of *victuals*, usury of *any thing that is lent upon usury*. Unto a stranger thou mayest lend upon usury." Deuteron. xxiii. 19, 20.

no less than five per cent. per month.<sup>1</sup> This exorbitant rate of interest affords a satisfactory criterion to judge of the opinions which are not unfrequently advanced, of the great riches which, at some imaginary period, formerly distinguished Hindustan. The excessive accumulation, however, of interest was forbidden. Upon a loan in money, interest, beyond the amount of the principal, was not a debt;<sup>2</sup> upon loans in goods, for some reason which it is not easy to divine, it was permitted to five times the amount of the principal. Compound interest too was prohibited. These were rules which would give effectual motives to the Hindu creditor to exact the regular payment of his interest, with rigid severity.<sup>3</sup> In the laws relating to loans, however, the most remarkable particular is the mode of enforcing payment! The creditor is commanded, first, to speak to the friends and relations of the debtor; next, to go in person and importune him, staying some time in his house, but without eating or drinking. If these methods fail, he may then carry the debtor home with him, and having seated him, as the law expresses it, before men of character and reputation, may there detain him. Should he still hold out, the creditor is next directed, to endeavour by feigned pretences to get possession of some of his goods; or, if any pledge was deposited with him, to carry it

<sup>1</sup> The tribes of Burren bunker, that is, all the mixed classes, pay at the rate of one in sixteen (or rather more than six per cent) per month Hallhed's Gentoo Code, ch 1 sect 1

<sup>2</sup> It is curious that this too was a law of Egypt, at least in regard to loans upon security Diod Sic lib 1 cap 79. Goguet's Origin of Laws, part III book I ch 14

<sup>3</sup> For the details respecting the law of interest, consult Laws of Menu, ch viii 140 to 154 Hallhed's Gentoo Code, ch 1. sect 1. Colebrooke's Digest, part I book I ch 11.

before the magistrate, who will cause it to be sold to make payment. If neither of these expedients can be used, he shall seize and confine the debtor's wife, children, cattle, buffaloes, horses, &c.; also his pots, clothes, mats, and furniture, and, seating himself at his door, there receive his money. Should even this proceeding fail, he is commanded to seize and bind the debtor's person, and procure by forcible means a discharge of the debt.<sup>1</sup> What is meant by forcible means is sufficiently explained in the following extraordinary definition. "When, having tied the debtor, the creditor carries him to his own house, and by beating or other means compels him to pay, this is called violent compulsion. By beating," adds the law, "or by coercion, a creditor may enforce payment from his debtor."<sup>2</sup> When the debtor is of a caste not superior to the creditor, the latter may seize and compel him to labour for the discharge of the debt. If a man owes debts to several creditors, he is commanded to discharge first one debt and then another, in the order in which they were contracted; a regulation by which one or two of his creditors may receive in full their demands, while the rest, whether few or numerous, are entirely defrauded. The equitable arrangement of an equal dividend, which we find established among nations of very limited progress in the knowledge of law, obvious and useful as it is, had not suggested itself to the rude legislators of Hindustan. When a creditor procures payment of a debt by application to the magistrate, he pays him for his interposition a twentieth

<sup>1</sup> This mode of personal seizure had place at an early age among the Egyptians; but they made sufficient advancement to abolish it. A law of king Bocchoris permitted the creditor to seize only the goods of his debtor for payment. Diod. Sic. lib. i. p. 90.

<sup>2</sup> Colebrooke's Digest, part I. book I. ch. vi. sect. 240, 241.



BOOK II. part of the sum recovered.<sup>1</sup> By a very extraordinary regulation a punishment seems to be inflicted on the defendant in all actions for debt wherein he is cast. "A debt being admitted by the defendant, he must pay five in the hundred as a fine to the king; but if it be denied and proved, twice as much."<sup>2</sup> The sacred character of the Brahmen, whose life it is the most dreadful of crimes either directly or indirectly to shorten, suggested to him a process for the recovery of debts, the most singular and extravagant that ever was found among men. He proceeds to the door of the person whom he means to coerce, or wherever else he can most conveniently intercept him, with poison or a poignard in his hand. If the person should attempt to pass, or make his escape, the Brahmen is prepared instantly to destroy himself. The prisoner is therefore bound in the strongest chains; for the blood of the self-murdered Brahmen would be charged upon his head, and no punishment could expiate his crime. The Brahmen setting himself down, (the action is called sitting in dherna) fasts; and the victim of his arrest, for whom it would be impious to eat, while a member of the sacred class is fasting at his door, must follow his example. It is now, however, not a mere contest between the resolution or strength of the parties; for if the obstinacy of the prisoner should exhaust the Brahmen, and occasion his death, he is answerable for that most atrocious of crimes the murder of a priest; he becomes execrable to his countrymen; the horrors of remorse never fail to pursue him; he is shut out from the benefits of society, and life itself is

<sup>1</sup> For the laws respecting recovery of debt, see *Laws of Menu*, ch. viii. Halhed's *Gentoo Code*, ch. i. sect. 5. *Colebrooke's Digest*, part I. book I. ch. lii.

<sup>2</sup> *Laws of Menu*, viii. 159.

a calamity. As the Brahmen who avails himself of this expedient is bound for his honour to persevere, he seldom fails to succeed, because the danger of pushing the experiment too far is, to his antagonist, tremendous. Nor is it in his own concerns alone that the Brahmen may turn to account the sacredness of his person: he may hire himself to enforce in the same manner the claims of any other man; and not claims of debt merely, he may employ this barbarous expedient in any suit. What is still more extraordinary, even after legal process, even when the magistrate has pronounced a decision against him, and in favour of the person upon whom his claim is made, he may still sit in dherna, and by this dreadful mode of appeal make good his demand.<sup>1</sup>

We have now reviewed the great peculiarities of the Hindu law, in regard to those transfers of property which partake of the nature of exchange, and in which some sort of an equivalent is given and received; it remains for us to consider those, in which the property passes from one owner to another without any return.

<sup>1</sup> See an account of the practice of sitting in dherna, by Sir John Shore (Lord Teignmouth), *Asiat. Researches*, iv. 330 to 332. He tells us that, since the institution of the court of justice at Benares in 1783, the practice has been less frequent, but that even the interference of that court and of the resident had occasionally been unable to check it. He tells us, too, that some of the pundits, when consulted, declared the validity of the deed or concession extorted by dherna; but restricted that validity to such claims as are just: others denied its validity, except where the party confirmed the engagement after the coercion is withdrawn. But it is evident that these restrictions are inconsistent with the facts which Lord Teignmouth records, and are mere attempts of the pundits, according to their usual practice, to interpret their laws into as great a coincidence as possible with the ideas of the great persons by whom the questions are put to them. A regulation was made by the Bengal government in 1795 for preventing this practice. See papers, ordered to be printed by the House of Commons, 3d June, 1813; p. 431. See also Broughton's *Mhratta Camp*, p. 42.

The most extensive class of this species of transactions are those occasioned by the death of the owner. Men had considerably strengthened the chain by which they were connected with property, before they ceased to consider death as the cause of a perfect separation, and as leaving their possessions free to the earliest occupier.<sup>1</sup> A right of succession in the children suggests itself, however, at a very early period in the progress of civilization. It is recommended by so many motives, it so happily accords with some of the strongest impulses of human nature, and is so easily engrafted upon the previous order of things, that it could not fail to be an early institution.<sup>1</sup> The children, being naturally the nearest to their parent at the moment of his death, were generally able to avail themselves of the right of occupancy, and to exclude other successors by prior possession. It was the usual arrangement in early stages of society, that the different members of a family should live together, and possess the property in common.<sup>1</sup> The father was rather the head of a number of partners, than the sole proprietor. When he died, it was not so much a transfer of property, as a continued possession; and the copartnership was only deprived of one of its members. The laws of inheritance among the Hindus are almost entirely founded upon this patriarchal arrangement.<sup>2</sup> When the father

<sup>1</sup> "Among barbarians in all parts of the world, persons who belong to the same family are understood to enjoy a community of goods. In those early ages, when men are in a great measure strangers to commerce or the alienation of commodities, the right of property is hardly distinguished from the right of using or possessing, and those persons who have acquired the joint possession of any subject are apt to be regarded as the joint proprietors of it." Millar on the English government, i. 190

<sup>2</sup> The whole too of that Title of law, "Concerns among partners," refers not so much to a joint stock property, contributed by certain individuals for carrying on any particular business, as to the property of

dies, if the sons shall choose to live together, the eldest, says the law, shall take the station of the head of the family, and the property is held jointly in his name.<sup>1</sup> "For brothers a common abode is ordained so long as both their parents live. On failure of both their parents, partition among brothers is ordained."<sup>2</sup> Even during the life-time of the father, a separation of the family might take place, when a division of the property, according to the strict notion of a joint interest, was made, in the proportion of two shares to the father, and one share equally to each of the sons.<sup>3</sup> When the division, however, of the common estate is delayed till the death of the father, the elder brother, as the new head of the family, is distinguished in the partition. He first receives one twentieth of the inheritance, after which it is divided equally among all the brothers.<sup>4</sup> With a few immaterial exceptions, the principle of equal division guided succession among the Hindus. "Let the sons, after the death of the parents, equally share the assets. If all sons be equal

a number of persons, most commonly brothers or other near relations, who agree to live together, and to have all their effects in common. The multitude of the laws proves the frequency of the transactions.—The old law of inheritance among the Romans was altogether founded upon the same ideas. *Fundamentum successionis veteris erat conservatio familiarum. Familia enim universitas quædam videbatur, cujus princeps est paterfamilias.—Quum ergo proximi in familia essent liberi vel sui heredes, tanquam vivo patre, quodammodo domini et αυτοκληρονομοι*, legibus xii. tabularum cautum fuerat; *SI TESTATO MORITUR CUI SUUS HERES NEC ESCIT, AGNATUS PROXIMUS FAMILIAM HABETO*. Heinec. in Inst. lib. iii. tit. i. sect. 690.

<sup>1</sup> Laws of Menu, ch. ix. 105.

<sup>2</sup> Colebrooke's Digest, part II. book V. ch. iii. sect. 114.

<sup>3</sup> Hallhed's Gentoo Code, ch. ii. sect. 11. Colebrooke's Digest, part II. book V. ch. ii. Mr. Hallhed has remarked that the demand of the prodigal son in the Gospel for his portion, affords proof of a similar state of things among the Jews. The attentive reader will perceive many other strokes of resemblance. All the more cultivated nations of Asia appear to have reached a stage of society nearly the same.

<sup>4</sup> Colebrooke's Digest, book V. ch. i. sect. 2, subsect. 34. Hallhed's Gentoo Code, ch. ii. sect. 12.

BOOK II. in good qualities, they must share alike ; but he who  
 CHAP 4. is distinguished by science and good conduct shall  
 take a greater share than the rest.”<sup>1</sup> The last of  
 these clauses affords an example of that vagueness  
 and ambiguity, the source of endless dispute, which  
 distinguishes the laws of all ignorant people, and  
 which forms a most remarkable feature in those of  
 Hindustan. What is the criterion to ascertain that  
 superiority in science and virtue, which determines  
 the share of brothers in the division of the paternal  
 estate? Or who is to be the judge? Equally unskilful,  
 and pregnant with evil, is the vague and indetermi-  
 nate law which declares “that all those brothers  
 who are addicted to any vice shall lose their title to  
 the inheritance.”<sup>2</sup> As the interpretation of the  
 phrase, “addicted to any vice,” may receive any  
 latitude, according to the inclinations and views of  
 the expounder, a gate is here thrown open to unli-  
 mited injustice. Inconsistency, and even direct con-  
 tradiction, is a characteristic of the Hindu laws,  
 which it does not appear to have been thought even  
 requisite to avoid ; as it is expressly enacted, that  
 when two laws command opposite things, both are to  
 be held valid.<sup>3</sup> This attribute is fully exemplified in  
 the laws of inheritance. It is declared that, “on the  
 failure of natural heirs, the lawful heirs are such  
 Brahmens as have read the three Vedas, as are pure  
 in body and mind, as have subdued their passions; and  
 they must constantly offer the cake ; thus the rites of

<sup>1</sup> Colebrooke's Digest, part II book V. ch 3, subject 115, 116,  
 ch 1, sect 2, subject. 34.

<sup>2</sup> Laws of Menu, ch ix 214.

<sup>3</sup> “When there are two sacred texts, apparently inconsistent, both are  
 held to be law, for both are pronounced by the wise to be valid and re-  
 conciliable. Thus in the Veda are these texts. Let the sacrifice be  
 when the sun has arisen, and before it has risen, and when neither sun  
 nor stars can be seen. The sacrifice therefore may be performed at any  
 or all of those times.” Ib ii 14, 15

obsequies cannot fail.”<sup>1</sup> Yet it is added, in the very next clause or sentence, “The property of a Brahmen shall never be taken as an escheat by the King; this is a fixed law; but the wealth of the other classes, on failure of all heirs, the king may take.”<sup>2</sup> Not unfrequently in rude nations, as if one misfortune ought to be aggravated by another, those who labour under certain maladies, or bodily defects, are excluded from inheritance. This principle is fully adopted by the Hindus, and carried to an unusual, and monstrous extent. All those persons who are lame, all those persons who are blind, all those who are deaf, all those who are dumb, impotent, or affected with an incurable disease, as leprosy, marasmus, gonorrhœa, dysentery, are denied a share in the partition of their father’s effects, and are only entitled to a maintenance from the family.<sup>3</sup> When a man has sons by wives of different castes, they inherit in the proportion of the mother’s rank, and the son by a concubine is entitled only to one half of the share of him who is born of a wife.<sup>4</sup> The laws which define proximity of kin, and fix the order of collateral succession, are numerous, minute, and in nothing remarkable.<sup>5</sup> It is particularly to be noted

BOOK II.  
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<sup>1</sup> Laws of Menu, ch. ix. 188.

<sup>2</sup> *Ib.* 189.

<sup>3</sup> Colebrooke’s Digest, part II. book V. ch. v. sect. 320, 321, 325, 329, 331. In Halhed’s Gentoo Code they are thus enumerated; one born an eunuch, blind, deaf, dumb, without hand or foot, or nose, or tongue, or privy member or fundament, and one who has no principle of religion, as well as the victims of various diseases. Gentoo Code, ch. ii. sect. 5. The law is thus stated in the Institutes of Menu; eunuchs and outcasts, persons born blind or deaf, madmen, idiots, the dumb, and such as have lost the use of a limb, are excluded from a share of the heritage. But it is just, that the heir who knows his duty should give all of them food and raiment. Laws of Menu, viii. 201, 202.

<sup>4</sup> Laws of Menu, viii. 149, &c. Halhed’s Gentoo Code, ch. ii. sect. 2. Colebrooke’s Digest, part II. book V. ch. vii.

<sup>5</sup> The appearance of accuracy given by minuteness of detail has sometimes been quoted as a proof of refined knowledge; but it is a proof of

that daughters are debarred from a share in the inheritance of their fathers.<sup>1</sup> The woman, indeed, among the Hindus, is so restricted in the means of acquiring property; that she is almost excluded from its rights.<sup>2</sup> The exceptions consist, in certain presents; what was given in the bridal procession; what was given in token of love; what was received from a brother, a mother, or a father and this property is inherited by her daughters in equal portions with her sons. If she die without issue, her property falls to her husband or to her parents, and is subject to nearly the same rules, of collateral succession as are established in regard to the property of males.<sup>3</sup>

The idea of a joint interest in the property of the family, while it early established the right of succession in the children, served to exclude the right of devising by will. As the property belonged to the parent in common only with his offspring, it could not be regarded as just, that he should have the power of giving it away from them after his death. It is only

the very reverse Henry tells us (*Hist of Britain*, i. 320) that the laws of the Druids provided with great care for the equitable division of the effects of the family according to the circumstances of every case. The ancient laws of Wales descend to very long and particular details on this subject, and make provision for every possible case with the most minute exactness. *Ieges Wallice*, lib ii de mulieribus, cap i p 70. The refinement and niceties of the Mahomedan law of succession are perhaps still more remarkable. See Mahomedan law of succession, Works of Sir William Jones, iii 467, and the *Al Snajjyah*, with Sir William's Commentary, Ib 305. In fact, the want of skill to ascend to a general expression, or rule, which would accurately include the different ramifications of the subject, is that which gives occasion to this minuteness of detail.

<sup>1</sup> Those who are unmarried at the death of the father are directed to receive portions out of their brothers' allotments, *Laws of Menu*, ix 118.

<sup>2</sup> Three persons, a wife, a son, and a slave, are declared by law to have in general no wealth exclusively their own. the wealth which they may earn is regularly acquired for the man to whom they belong." *Ib.* ch viii 416.

<sup>3</sup> *Ib.* ch ix 192 to 197. *Colebrooke's Digest* part II. book V. ch ix.

in stages of society, considerably advanced, that the rights of property are so far enlarged as to include the power of nominating, at the discretion of the owner, the person who is to enjoy it after his death. It was first introduced among the Athenians by a law of Solon, and among the Romans, probably, by the twelve tables.<sup>1</sup> The Hindus have, through all ages, remained in a state of society too near the simplicity and rudeness of the most ancient times, to have stretched their ideas of property so far. The power of disposing of a man's possessions, by testament, is altogether unknown to their laws.<sup>2</sup>

The same notion of a joint-title, in all the members of a family, to the property of the whole, had originally an effect even upon the power of donation. Individuals were not at liberty to alienate by gift any part of the common stock. This, however, is a right which is recommended by motives more powerful and frequent than that of disposal after death, and was therefore much sooner introduced. The first instances were probably sanctioned by religious pretexts. By the laws of the Visigoths it was permitted to make donations to the church; and by those of the Burgundians a free man was allowed, after dividing his means with his sons, to make an ecclesiastical donation out of his own portion.<sup>3</sup> Among the Hindus

<sup>1</sup> Kames's Historical Law Tracts, i. 162.

<sup>2</sup> Impressed, when I began to study the history and character of the Hindus, with the loud encomiums I had been accustomed to hear on their attainments, and particularly their laws; which were represented as indicating a high state of civilization; this fact, which is broadly stated by Mr. Halhed, (Preface to the Gentoo Code, p. liii.) very forcibly struck me. Rude as the Arabs were at the time of Mahomed, their ideas of property included the right of devising by will. See Koran, chap. v.

<sup>3</sup> Historical Law Tracts, i. 159. How like is this regulation of the Burgundians to the rules among the Hindus for division of property to the sons during the father's life time?



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<sup>3</sup> Historical Law Tracts, i. 159. How like is this regulation of the Burgundians to the rules among the Hindus for division of property to the sons during the father's life time?

BOOK II. the conferring of gifts upon the Brahmens, which is  
 CHAP. 4. taught as one of the most important of religious duties,  
 must have early familiarized the mind to gratuitous alienations; yet, notwithstanding this important circumstance, a man's power of transferring his property by gift appears subject still to extraordinary restrictions. Except in certain minor cases, the consent of his heirs is required. It is only over that part of his property which is more than sufficient to feed and clothe all his dependants, that he has an unlimited power of disposal.<sup>1</sup>

II, The second class of laws, those which relate to offences and their punishment, form a subject less complicated, and of less subtle and difficult disquisition, than those which relate to the distribution of rights; it is, however, a portion of law, which, from the violent interference of human passions, is not less slow in gaining improvement.

An offence is an act by which a right is violated. The object of punishment is to prevent such acts. It is employed, under the empire of reason, only as a last resource. If offences could be prevented without punishment, punishment ought never to exist. It follows, as a necessary consequence, that as little of it as possible ought to exist.

It is equally manifest, that it would be vain to establish rights, if the necessary means were not to be used for securing them. It is therefore good to make use of punishment, as far as necessary for the securing of rights; with this precaution only, that the suffering or evil, produced by the punishment, is less, upon the whole, than that which would arise from the violation of the right.

By these maxims, as criterions, we shall endeavour

<sup>1</sup> Hallsted's Gentoo Code, ch. vii.

to ascertain the attributes of the criminal code of the  
Hindus.

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The misery and disorder which overspread human life, wherever self-defence rests wholly upon the individual, are the cause to which government owes its origin. To escape from those evils, men transfer to the magistrate powers sufficient for the defence of all; and agree to expect from him alone that protection, which they obtained so imperfectly from their own exertions. In the rude and violent times when this revolution takes place, it is not from a just and cool discernment of the limits of defence, prevention, and reparation, that penalties are exacted. It is from the impulse of a keen resentment, that the sufferer pursues; and from a strong sympathy with that resentment, that the magistrate commonly judges and condemns. It is not so much security that is coveted, as revenge. A great injury committed can only be expiated by a great injury received. Two principles therefore universally characterize the penal code of a barbarous people; severity; and retaliation. The early laws of the Greeks and the Romans were cruel; the laws of the twelve tables, says Mr. Gibbon, like the statutes of Draco, were written in characters of blood.<sup>1</sup> By the laws of Moses, blasphemy, idolatry, profaning the sabbath, homicide, adultery, incest, rapes, crimes against nature, witchcraft, smiting or cursing father or mother, were punished with death, and with burning and stoning, the most cruel kinds of death.<sup>2</sup> Of the sanguinary character imprinted on the laws of the Egyptians, the following instance may be adduced: They thrust little pieces of reeds, about a finger's length, into all parts of the bodies of parri-

<sup>1</sup> Gibbon's History of the Decl. and Fall of the Roman Empire, ch. xlv.

<sup>2</sup> See the Books of Moses, *passim*.

BOOK II. cides; and then, surrounding them with thorns, set  
 CHAP 4<sup>1</sup> them on fire.<sup>1</sup> The barbarous punishments which prevail among the Chinese are too familiarly known to require illustration. Perhaps of all the rude nations of whom we have any account, our own Saxon and German ancestors were the most distinguished for the mildness of their punishments; a singularity, however, to be accounted for, by the use of a very barbarous expedient, a compensation in money for almost every species of crime. Yet in various instances, particularly that of theft, their laws were not only severe, but inhuman.<sup>2</sup>

Notwithstanding the mildness which has generally been attributed to the Hindu character, hardly any nation is distinguished for more sanguinary laws. "The cruel mutilations," says Sir William Jones,<sup>3</sup> "practised by the native powers, are shocking to humanity."

<sup>1</sup> Diod Sic lib 1 p 88.

<sup>2</sup> Wilkins, Leg Sax. p 2 to 20 Mr. Turner, History of the Anglo-saxons, says, book XI ch viii "The most popular of the legal punishments were the pecuniary mulcts But as the imperfection and inutility of these could not be always disguised—as they were sometimes impunity to the rich, who could afford them, and to the poor who had nothing to pay them with, other punishments were enacted Among these we find imprisonment, outlawry, banishment, slavery, and transportation In other cases, we have whipping, branding, the pillory, amputation of limb, mutilation of the nose and ears, and lips, the eyes plucked out, hair torn off, stoning, and hanging Nations not civilized have barbarous punishments"

<sup>3</sup> Charge to the Grand Jury of Calcutta, Dec. 4, 1788, Sir Wm. Jones's Works, iii 26 Of this feature of their laws, a few examples will impress a lively conception. "The most pernicious of all deceivers," says the law of Menu, "is a goldsmith who commits frauds; the king shall order him to be cut piecemeal with razors" Laws of Menu, ch ix. 293 "Should a wife, proud of her family and the great qualities of her kinsmen, actually violate the duty which she owes to her lord, let the king condemn her to be devoured by dogs in a place much frequented; and let him place the adulterer on an iron bed well heated, under which the executioners shall throw logs continually, till the sinful wretch be there

Retaliation is another peculiarity which remarkably distinguishes the laws of that barbarous period, when the punishment of crimes is chiefly measured by the resentment of the sufferer.<sup>1</sup> Whatever the injury

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burned to death." Ib. viii. 371, 372. "If a woman murders her spiritual guide, or her husband, or her son, the magistrate, having cut off her ears, her nose, her hands, and her lips, shall expose her to be killed by cows." Halhed's Gentoo Code, ch. xxi. sect. 10. "Of robbers, who break a wall or partition, and commit theft in the night, let the prince order the hands to be lopped off, and themselves to be fixed on a sharp stake. Two fingers of a cutpurse, the thumb and the index, let him cause to be amputated on his first conviction; on the second, one hand and one foot; on the third, he shall suffer death." Laws of Menu, ix. 276, 277. "A thief who, by plundering in his own country, spoils the province, the magistrate shall crucify, and confiscate his goods; if he robs in another kingdom he shall not confiscate his possessions, but shall crucify him. If a man steals any man of a superior caste, the magistrate shall bind the grass beena round his body, and burn him with fire; if he steals a woman of a superior caste, the magistrate shall cause him to be stretched out upon a hot plate of iron, and, having bound the grass-beena round his body, shall burn him in the fire. If a man steals an elephant or a horse, excellent in all respects, the magistrate shall cut off his hand, and foot, and buttock, and deprive him of life. If a man steals an elephant or a horse of small account, or a camel or a cow, the magistrate shall cut off from him one hand and one foot. If a man steals a goat or a sheep, the magistrate shall cut off one of his hands. If a man steals any small animal, exclusive of the cat and the weasel, the magistrate shall cut off half his foot." Halhed's Gentoo code, ch. xvii. sect. 3. "If a man sets fire to the tillage or plantation of another, or sets fire to a house or to a granary, or to any uninhabited spot where there is much fruit or flowers, the magistrate, having bound that person's body in the grass beena, shall burn him with fire." Ib. xviii. "For boring the nostrils of cows belonging to priests, the offender shall instantly lose half of one foot. Laws of Menu, ch. viii. 325. The same system of mutilation prevailed in Persia. Xenophon, describing the Persian punishments, says, Πολλὰ κίς ὅην ἰδεῖν παρὰ τὰς σείβομενας ὄδους, καὶ ποδῶν, καὶ χειρῶν, καὶ ὀφθαλμῶν σερμένους ἀνθρώπους. Xenoph. Cyropæd. lib. i. p. 92. The common mode of hanging is thus described by an eye-witness: "A hook is fixed to one end of the rope, and this hook the executioner forces with all his strength into the flesh below the criminal's chin; he is then hoisted up, and the other end of the rope is made fast to the gallows." Bartolomeo's Travels, book II. ch. v. "If a magistrate has committed a crime, and any person, upon discovery of that crime, should beat and ill-use the magistrate, the magistrate shall thrust an iron spit through him and roast him at the fire." Halhed's Gentoo Code, ch. xvi. sect. 1.

<sup>1</sup> "The inhuman and unequal principle of retaliation," says Mr. Gibbon, Hist. of Decl. and Fall of the Rom. Emp. ch. xlv.

BOOK II which the innocent man has sustained, a similar in-  
 CHAP 4. jury, by way of punishment, is imposed upon the guilty. Whatever the member, or part of his body, with which the offender committed the crime, upon that part is the chastisement inflicted. The Hebrew law of an eye for an eye, and a tooth for a tooth, is a familiar example of what occurred among other nations. The forfeit of limb for limb, and member for member, was, among the Romans, exacted by the law of the twelve tables, unless where the offender could expiate his crime by a fine of 300 pounds of copper. The earliest legislators of Greece were so rude as to leave the punishment of crimes, undefined, to the discretion of the judge; but Zaleucus, legislator of the Locrians, who first prescribed rules on this subject, enforced so literally the maxim of an eye for an eye, that it was deemed an important reform on his laws, when it was decreed that he who struck out the eye of a person with one eye should lose both his own.<sup>1</sup> The Egyptians extended the principle of punishing criminals in that part of the body which was chiefly instrumental in the guilt, to an extraordinary number of instances. He who discovered the secrets of the state had his tongue cut out; he who violated a free woman was made an eunuch; of those who counterfeited coin and seals either public or private, of those who made use of false weights and measures, and of public notaries who forged or mutilated deeds, the two hands were cut off; and calumniators were subjected to the same punishment which would have been due to those whom they falsely accused.<sup>2</sup> To how extraordinary a degree the spirit of retaliation moulds the penal legislation of the Hindus, a few

<sup>1</sup> Strabo, lib 11 p 398 Potter's Antiq book I ch xcii Blackstone's Commentaries, book IV ch 1.

<sup>2</sup> Died Sic lib 1 p 88, 89.

specimens will evince. The law concerning assault and battery, in the Institutes of Menu, thus commences: "With whatever member a low-born man shall assault or hurt a superior, even that member of his must be slit, or cut, more or less in proportion to the injury: this is an ordinance of Menu."<sup>1</sup> "If a man strikes a Bramin with his hand, the magistrate shall cut off that man's hand; if he strikes him with his foot, the magistrate shall cut off the foot; in the same manner, with whatever limb he strikes a Bramin, that limb shall be cut off; but if a Sooder strikes either of the three casts, Bramin, Chehteree, or Bice, with his hand or foot, the magistrate shall cut off such hand or foot."<sup>2</sup> "If a man has put out both the eyes of any person, the magistrate shall deprive that man of both his eyes, and condemn him to perpetual imprisonment, and fine him."<sup>3</sup> The punishment of murder is founded entirely upon the same principle. "If a man," says the Gentoo code, "deprives another of life, the magistrate shall deprive that person of life."<sup>4</sup> "A once-born man, who insults the twice-born with gross invectives, ought to have his tongue slit. If he mention their names and classes with contumely, as if he say, 'Oh thou refuse of Brahmens,' an iron style, ten fingers long, shall be thrust red-hot into his mouth. Should he through pride give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear."<sup>5</sup> "If a blow, attended with much pain, be given either to human creatures or cattle, the king shall inflict on the striker a punishment as heavy as the presumed

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<sup>1</sup> Laws of Menu, ch. viii. 279. In a style characteristically Hindu, the following, among other cases, are specified; when a man spits on another, when he urines on him, and when he breaks wind on him. The penalties I choose not to describe. See the same chapter, 280 to 284.

<sup>2</sup> Halhed's Code of Gentoo Laws, ch. xvi. sect. 1.

<sup>3</sup> *Ib.*

<sup>4</sup> *Ib.*

<sup>5</sup> Laws of Menu, ch. viii. 270 to 273.



BOOK II. suffering."<sup>1</sup> "With whatever limb a thief commits  
 CHAP. 4. the offence, by any means in this world, as if he break  
 a wall with his hand or his foot, even that limb shall  
 the king amputate, for the prevention of a similar  
 crime."<sup>2</sup> "A mechanic or servile man, having an  
 adulterous connexion with a woman of a twice-born  
 class, if she was unguarded, shall lose the part offend-  
 ing, and his whole substance."<sup>3</sup> "The breaker of a  
 dam to secure a pool, let the king punish by long  
 immersion under water."<sup>4</sup> The portion of suffering,  
 sufficient to constitute a motive for abstaining from  
 the crime, is all the punishment which reason author-  
 izes; but we see nations far advanced in civilization  
 so tardy in recognizing this principle, that the excess  
 of suffering, produced by the law of retaliation, would  
 not, it is probable, suggest to nations, at a very early  
 stage of civilization, the utility of repealing it. Yet  
 no maxim more naturally recommends itself to the  
 human mind, even before it is strong, than that all  
 who commit the same crime should meet with equal  
 punishment; and it requires a very slight degree of  
 reflection to see, that when the hand or the foot is cut  
 off from one man, the punishment may be a very mode-  
 rate one; when the same limb is cut off from another  
 man, to whose subsistence it is essential, the penalty  
 may far exceed a sentence of death.

In another class of punishments, where the princi-  
 ple of equality may be still more easily applied, the  
 grossness of the violation excites considerable surprise.  
 As among our Saxon ancestors, so among the Hindus,  
 fines bear a very large proportion to other punish-  
 ments. When reparation to the party injured should  
 be made by the author of the wrong, the pecuniary  
 ability of the party on whom the obligation falls can

<sup>1</sup> Laws of Menu, ch vii 235    <sup>2</sup> Ib 334    <sup>3</sup> Ib 374    <sup>4</sup> Ib. ix. 279.

no more be regarded, than where he owes a debt. But in so far as it is the object of the law to create a motive against the occurrence of a like offence; or even to take vengeance, to inflict pain purely because pain has been occasioned; in so far it is one of the plainest dictates of reason, that where the offence is equal, the suffering or hardship imposed should be equal. Though a pecuniary mulct imposes all degrees of hardship, according to the pecuniary abilities of the man who pays, the Hindu law makes no distinction between the rich and the poor.<sup>1</sup> It makes, indeed, a serious distinction between the man of one class, and another: and they of the lowest are, with a very few exceptions, always the most severely fined. But if the class is the same, the same forfeit is exacted for the same offence; though one man should be too opulent to feel from it any sensible inconvenience; another should suffer all the pains and horrors of want.

From the classification of the people, and the privileges of the castes, we are prepared to expect, among the Hindus, inequalities created by distinctions of rank. They relate either to the crimes committed *against* persons of the different ranks, or the crimes committed *by* them. Inequalities of the first sort, it is found difficult to avoid even in high stages of civilization. At present, in the best governed countries of Europe, an injury done to a nobleman is treated as a crime of a deeper die, than a similar injury to a person of the lowest rank.<sup>2</sup> If the laws

<sup>1</sup> There is in one passage of Menu, ch. viii. 126, an incidental exhortation to the judge, not to be regardless of the ability of the sufferer in the infliction of corporal or other punishment; and it is impossible but some regard must have been paid to it in practice: but defined sums are in almost all cases affixed to specific crimes, without the smallest reference to the ability of the payer.

<sup>2</sup> The *orthodox* judge, Blackstone, as Mr. Gibbon very significantly

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should make no distinction in principle, the power of the nobleman to bring the offender to trial, and to command the partiality of the judge; would long make a very essential difference in practice. When the Hindu law, therefore, makes a gradation in the criminality of the same action, according as it is committed against the Brahmen, the Cshatriya, the Vaisya, and the Sudra, it is only the excess in the difference of punishment, which is calculated to excite our surprise. With regard to offences committed by individuals of the different ranks, it is rare, even among the rudest people, to find the principle of unequal punishments, expressly avowed; and comparative impunity granted by law to the crimes of the great. Perjury, fraud, defamation, forgery, incest, murder, are not among us reckoned crimes more venial in the lord than in his servant. Among the Hindus, whatever be the crime committed, if it is by a Brahmen, the punishment is in general comparatively slight; if by a man of the military class, it is more severe; if by a man of the mercantile and agricultural class, it is still increased; if by a Sudra, it is violent and cruel. For defamation of a Brahmen, a man of the same class must be fined 12 panas; a man of the military class, 100; a merchant, 150 or 200; but, a mechanic or servile man is whipped.<sup>1</sup> The general principle on which the penalties for this crime seem to be regulated is, that whatever fine is exacted from a man of the same class by whom you have been

denominates him, (See *Uist Decl and Fall*, &c ch. xlv. n. 145) is quite an advocate for the superior criminality of an injury to a man of a superior rank. "If a nobleman strikes a peasant," says he, "all mankind will see, that, if a court of justice awards a return of the blow, it is more than a just compensation. The execution of a needy, decrepid assassin, is a poor satisfaction for the murder of a nobleman, in the bloom of his youth, and full enjoyment of his friends, his honours, and his fortune." *Commentaries on the Laws of England*, book IV. ch. 1.

<sup>1</sup> *Laws of Menu*, ch. viii. 269, 267.

accused, one only half as large should be imposed upon the man of a superior class, but one double in magnitude, should the caste of the slanderer be inferior to your own. For all the more, serious accusations against any of the superior orders, the punishment of the Sudra is far more dreadful.<sup>1</sup> That the scale of punishment for crimes of assault is graduated by the same rule, the following instance, out of many, will evince. "If a man of a superior cast and of superior abilities to another should strike him with a weapon, the magistrate shall fine him 500 puns of cowries. If a man of an equal cast and of equal abilities with another should strike him with a weapon, the magistrate shall fine him 1000 puns of cowries. If a man of an inferior cast and of inferior abilities to another should strike him with a weapon, the magistrate shall fine him 3000 puns of cowries."<sup>2</sup> For perjury, it is only in favour of the Brahmen, that any distinction seems to be admitted. "Let a just prince," says the ordinance of Menu, "banish men of the three lower classes, if they give false evidence, having first levied the fine; but a Brahmen let him only banish."<sup>3</sup> The punishment of adultery, which on the Brahmens is light, descends with intolerable weight on the lowest classes. In regard to the inferior cases of theft, for which a fine only is the punishment, we meet with a curious exception, the degree of punishment ascending with the class. "The fine of a Sudra for theft shall be eight fold; that of a Vaisya, sixteen fold; that of a Cshatriya, two and thirty fold; that of a Brahmen, four and sixty fold, or a hundred fold complete, or even twice four and sixty fold."<sup>4</sup> No corporal punishment, much less

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<sup>1</sup> Code of Gentoo Laws, ch. xv. sect. 2. Vide supra, p. 166.

<sup>2</sup> Ib. xvi. sect. 1. <sup>3</sup> Laws of Menu, ch. viii. 123.

<sup>4</sup> Ib. 337, 338.

BOOK II. death, can be inflicted on the Brahmen for any crime.

CHAP. 4 " Menu, son of the Self-existent, has named ten places of punishment, which are appropriated to the three lower classes; the part of generation, the belly, the tongue, the two hands; and fifthly, the two feet, the eye, the nose, both ears, the property; and, in a capital case, the whole body; but a Brahmen must depart from the realm unhurt in any one of them."<sup>1</sup>

Punishment should be proportioned, not to the greatness of the crime, that is, the quantity of suffering it produces, but solely to the difficulty of creating an adequate motive to abstain from it: if a fine of one shilling created a sufficient motive to abstain from the crime of murder, the fine of a shilling would be all the punishment which ought to exist. 'It must be owned, however, that the principle of punishing crimes, according to their magnitude, very naturally suggests itself; and bears a strong appearance of according with the principles of reason: Even to this early and imperfect principle, the Hindus have never ascended. While perjury, one of the most mischievous of crimes, and one against which an adequate motive is very difficult to create, is punished only with fine, and, in its most aggravated cases, with banishment, the crime of obtaining goods on false pretences is punished with mutilation, and even with death. " If a person steals a man of an inferior cast, the magistrate shall fine him 1,000 puns of cowries: If he steals an elephant or a horse excellent in all respects, the magistrate shall cut off his hand, and foot, and buttock, and deprive him of life."<sup>2</sup> The following places of the body are enumerated; the

<sup>1</sup> Laws of Menu, ch viii 121, 125.

<sup>2</sup> Halhed's Gentoo Code, ch xvii. sect 3

ear, the nose, the hand, the foot, the lip, the eye, the tongue, and some others; upon any one of which a stroke, such as to separate or cut them off from the body, is punished equally; <sup>1</sup> yet surely there is no comparison between the injury of depriving a man of his ear, for example, and of his tongue, or his hand. An amour with a woman of the Brahmenical caste is more dreadfully punished than parricide. Various cases of theft and robbery are accounted worthy of more shocking penalties than murder. Even Sir William Jones is constrained to say that the punishments of the Hindus "are partial and fanciful, for some crimes dreadfully cruel, for others reprehensibly slight." <sup>2</sup>

The principal acts erected into punishable offences by the Hindu law are, false witness, defamation, assault, theft, outrage, adultery. The species and degrees of perjury are thus distinguished: "If a witness speak falsely through covetousness, he shall be fined 1,000 panas; if through distraction of mind, 250; if through terror, 1,000; if through friendship, the same; if through lust, 2,500; if through wrath, 1,500; if through ignorance, 200 complete; if through inattention, 100 only." <sup>3</sup> The laws against reproachful expressions are numerous, and the penalties remarkably severe; a pretty satisfactory proof that the Hindus have always been abusive; as we find they continue to the present day. <sup>4</sup> By the term Assault, are indicated the smaller instances of per-

<sup>1</sup> Halhed's *Gentoo Code*, ch. xvi. sect. 1.

<sup>2</sup> Preface to the *Translation of the Institutes of Menu*, Sir Wm. Jones's Works, iii. 62.

<sup>3</sup> *Laws of Menu*, ch. viii. 120, 121. Where the language of the text specifies the fine by naming it technically in the order of amercements, I have stated the sum, that the reader might see at a glance the proportions.

<sup>4</sup> See the Chapter on *Manners*.

BOOK II. *sonal offence and injury; on which the laws of the*  
 CHAP. 4. *Hindus descend to the most minute distinctions and*  
*details. In this they present a remarkable agreement*  
*with the laws of our Gothic ancestors. Lord Kaimes,*  
*observing upon the ancient European mode of satis-*  
*fying for injuries by money, remarks, that "the laws*  
*of the Burgundians, of the Salians, of the Almanni, of*  
*the Bavarians, of the Ripuarii, of the Saxons, of the*  
*Angli and Thuringi, of the Frisians, of the Langobards,*  
*and of the Anglo-saxons, are full of these composi-*  
*tions, extending from the most trifling injury to the*  
*most atrocious crimes. In perusing the tables of these*  
*compositions, which enter into a minute detail of the*  
*most trivial offences, a question naturally occurs, why*  
*all this scrupulous nicety of adjusting sums to delin-*  
*quencies? Such a thing is not heard of in later*  
*times. But the following answer will give satisfac-*  
*tion:—That resentment, allowed scope among Bar-*  
*barians, was apt to take flame by the slightest spark;*  
*therefore, to provide for its gratification, it became*  
*necessary to enact compositions for every trifling*  
*wrong, such as at present would be the subject*  
*of mirth rather than of serious punishment: for ex-*  
*ample, where the clothes of a woman, bathing in a*  
*river, are taken away to expose her nakedness, and*  
*where dirty water is thrown upon a woman in the*  
*way of contumely."<sup>1</sup> The following orders of crime,*  
*in the Hindu code, present a similar, and a very re-*  
*markable picture; 1. Throwing upon the body of*  
*another, dust, or sand, or clay, or cow-dung, or any*  
*thing else of the same kind, or striking with the hand*  
*or foot; 2. Throwing upon the body tears, or phlegm,*  
*or the paring of one's nails, or the gum of the eyes, or*  
*the wax of the ears, or the refuse of victuals, or spittle;*

3. Throwing upon another from the navel downwards to his foot, spue, or urine, or ordure, or semen; 4. Throwing upon another, from the navel upwards to beneath the neck, any of the substances mentioned in the last article; 5. Throwing upon another any of the same substances from the neck upwards; 6. Assaulting with a stone, or with a piece of iron or wood; 7. Hauling by the foot, or by the hair, or by the hand, or by the clothes; 8. Seizing and binding another in a cloth, and setting one's foot upon him; 9. Raising up an offensive weapon to assault; 10. Striking with a weapon. In all these cases a further distinction is made, as the offence is committed by a superior, an inferior, or an equal, and committed against a man or a woman. The gradations too of wounds are curiously specified; 1. When no blood is shed; 2. When a little blood is shed; 3. When much blood is shed; 4. When a very great quantity; 5. When a bone is broke as well as blood is shed; 6. When a member or organ is struck off or separated.<sup>1</sup> Under the title theft, the Hindus include the various species of frauds. In all nations which have made but the first step in civilization; when the means of protecting property are very imperfectly known, and covetousness is a furious passion; the depredations of thieves are always punished with extreme severity. In the Gothic nations of Europe, when the murder even of the King inferred but a pecuniary composition, theft was punished by mutilation and death.<sup>2</sup> In the same manner, among the Hindus, while murder is punished by the mere loss of life, some of the most atrocious instances of the cruelty of the Hindu laws

<sup>1</sup> See the Article Assault in the Code of Gentoo Laws, ch. xvi. sect. 1. Laws of Menu, ch. viii. 279 to 301.

<sup>2</sup> See Kames's Historical Law Tracts, i. 63, and the authorities there quoted.



BOOK II  
CHAP. 4.) were drawn as above from the punishments awarded to theft.<sup>1</sup> The minor cases of theft are punished by fines, and by various degrees of mutilation; but the higher species, by impaling, by burning alive, and by crucifixion. By Outrage; which is sometimes denominated violence, sometimes robbery; are designated, all attacks, accompanied with violence, upon either property or person, including even murder. While the inferior species are punished by fine and by mutilation, the higher are punished by death; and some of the more heinous kinds of spoliation are avenged with all the sanguinary fury which, among the Hindus, has dictated the higher penalties of theft.<sup>2</sup> Adultery is a very complicated subject. In the Hindu language it includes every unlawful species of sexual indulgence, from the least, to the most, injurious, or offensive. If the laws are any proof of the manners of a people, this article affords indication of one of the most depraved states of the sexual appetite. Almost all the abuses, and all the crimes which it is possible to conceive, are there depicted with curious exactness; and penalties are devised and assigned for every minute diversity and refinement, as for acts the most frequent and familiar. There are even titles of sections in the code which cannot be transcribed with decency, and which depict crimes unknown to European laws.<sup>3</sup> According to the ge-

<sup>1</sup> *Supra*, p. 218, 219.

<sup>2</sup> *Laws of Menu*, ch. viii. 344 to 348. *Code of Gentoo Laws*, ch. xviii.

<sup>3</sup> Mr. Halhed makes so curious an apology for this article in his preface to the *Code of Gentoo Laws*, p. lxi. that I am tempted to transcribe it, "The nineteenth and twentieth chapters," says he, "present us a lively picture of Asiatic manners, and in them a strong proof of their originality. To men of liberal and candid sentiments, neither the grossness of the portrait nor the harshness of the colouring, will seem improper or indecent, while they are convinced of the truth of the resemblance; and if this compilation does not exhibit mankind as they might have been, or as they ought to have been, this answer is plain, 'Because it paints

neral practice of Eastern nations, among whom an extraordinary value is set on the chastity of the women, its more aggravated violations are punished by the most shocking death which human cruelty has probably devised, that of burning on a heated plate of iron. The ramifications of criminality are also pursued to the most minute and trivial acts, and such as, even in the most jealous nations of Europe, would be held perfectly innocent: "He, who talks with the wife of another man at a place of pilgrimage, in a forest or a grove, or at the confluence of rivers, incurs the guilt of an adulterous inclination: to send her flowers or perfumes, to sport and jest with her, to touch her apparel and ornaments, to sit with her on the same couch, are all held adulterous acts

them as they were.'—Vices, as well as fashions, have their spring and their fall, not with individuals only, but in whole nations, when one reigning foible for a while swallows up the rest, and then retires in its turn to make room for the epidemic influence of a newer passion. Wherefore, if any opinions, not reconcilable to our modes of thinking, or any crimes not practised, and so not prohibited among us, should occur in these chapters, they must be imputed to the different effects produced on the human mind by a difference of climates, customs, and manners, which will constantly give a particular turn and bias to the national vices:—Hence it would be a weak and frivolous argument for censuring the fifth section of this nineteenth chapter, to object that it was levelled at an offence absurd in itself, not likely to be frequent, or, supposing it frequent, still to be deemed of trivial consequence; and to make this objection merely in consideration that the offence may not be usual among us, and has certainly never been forbidden by our legislature, such cavils would betray a great ignorance of the general system of human nature, as well as of the common principles of legislation; for penal laws (except for the most ordinary crimes) are not enacted until particular instances of offence have pointed out their absolute necessity; for which reason parricide was not specified among the original institutes of the celebrated lawgiver of Sparta. Hence we may with safety conclude, that the several prohibitions and penalties of this fifth section were subsequent to, and in consequence of, the commission of every species of enormity therein described."—Mr. Halhed here maintains, with very cogent reasons, though rather an unskilful style, that the Hindu morals are certainly as gross as the Hindu laws; that the latter grossness is, in fact, the result of the former.

BOOK II. on his part.<sup>1</sup>

CHAP. 4.

appears, in the eyes of Hindu lawgivers, to be the greatest; and worthy of the most severe and terrible chastisement. The offences committed with the women of the higher classes by men of the lower are the acts which are looked upon as of greatest atrocity, and which rise in criminality, as the classes recede from one another, till they arrive at last at the adultery of a man of the servile with a woman of the priestly caste; a point beyond which, it is supposed, that human guilt and depravity cannot proceed.<sup>2</sup>

III. The fulfilment of the laws of the two preceding orders; denominated, for want of better terms, the Civil, and the Penal; is the End; the laws of Judicature are to be regarded in the light of Means to that End. The subject, in its full extent, includes an account of 1. the instruments made use of for producing the fulfilment of the laws of the two former kinds, and 2. the modes of using them.

The instruments made use of among the Hindus, have been already described, in giving an account of the functions of the king; who, with his Brahmen assessors, is the principal instrument. The mode of using the instruments of judicature, or the steps according to which judicature is performed, were there also briefly described. Of the matters which remain, the laws or rules respecting evidence form the only part which it is still useful to represent.

Prior to the general use of writing, the chief species of evidence, applicable to judicial cases, is the speech of witnesses. It is this species which makes the principal figure in the laws of Hindustan to the present age. It is even more than doubtful whether written

<sup>1</sup> Laws of Menu, ch. viii 556, 557.

<sup>2</sup> Ib. 352 in 386. Code of Gentoo Laws, ch. xix

evidence is at all referred to by the author of the ordinances of Menu; though from himself we learn that writing had been applied to laws.<sup>1</sup> "On the denial," says the law, "of a debt which the defendant has in court been required to pay, the plaintiff must call a witness who was present at the place of the loan, or produce other evidence;"<sup>2</sup> the gloss of Culluca adds, "a note and the like:"<sup>3</sup> but for the use of evidence by writing not a single rule is afterwards adduced, though numerous rules are prescribed for the use of that which is delivered in speech; not even a word of allusion to this novel species of evidence appears; and where the various circumstances are enumerated on which the attention of the judge ought to be fixed, while the evidence of speaking witnesses occupies a conspicuous place, the evidence of writings is entirely omitted.<sup>4</sup> In the compilations, however, of recent times, as in that made by order of Mr. Hastings and translated by Halhed, the use of written evidence appears; but even there it is treated with a negligence and slightness due to a matter of subordinate importance.

Among the rules for evidence at the lips of witnesses, some are reasonable and good; others are not only the reverse, but indicate a state of ignorance and barbarism. The evidence of three witnesses is required for the decision of any question: "When a man has been brought into court by a suitor for property, the cause shall be decided by the Brahmen who represents the king, having heard three witnesses at

<sup>1</sup> Laws of Menu, ch. viii. 3.

<sup>2</sup> *Ib.* 52.

<sup>3</sup> *Ib.*

<sup>4</sup> "Let him fully consider the nature of truth, the state of the case, and his own person; and next, the witnesses, the place, the mode and the time." *Ib.* 45. From these circumstances it is probable that the emendation of the commentator has been added from the more enlarged knowledge of later times.

BOOK II. least."<sup>1</sup> Yet it is declared in another place that  
 CHAP. 4 "one man, untainted with covetousness, may (*in some cases*, says the gloss of Culluca) be the sole witness."<sup>2</sup>  
 This apparent contradiction may perhaps be explained by a passage in the Code of Gentoo Laws, where the decision of a cause by the testimony of a single witness is made to depend upon the consent of the litigants.<sup>3</sup> Even from this rule the following cases are excepted: "Supposing," says the law, "a person to lend another money secretly, or secretly to entrust his money to the care of another, in such affairs one single person is a sufficient witness"<sup>4</sup> The different degrees of trustworthiness in different witnesses leads to mischievous rules. "Married housekeepers, men with male issue, inhabitants of the same district, either of the military, the commercial, or the servile class, are competent, when called by the party, to give their evidence."<sup>5</sup> The most fanciful distinction surely that ever was made by an uncultivated mind, is that between the father of male and the father of female offspring, as a source of evidence. The persons held incompetent to bear witness are a very numerous class. "Those must not be admitted who have a pecuniary interest; nor familiar friends; nor menial servants; nor enemies; nor men formerly perjured; nor persons grievously diseased; nor those, who have committed heinous offences. The king cannot be made a witness, nor cooks and the like mean artificers; nor public dancers and singers; nor a priest of

<sup>1</sup> Laws of Menu, ch. viii 60. The same law is stated still more generally and absolutely, in the Gentoo Code, ch. iii sect. 8.

<sup>2</sup> Laws of Menu, ch. viii 77.

<sup>3</sup> Halhed's Gentoo Code, ch. iii sect. 8. "If the plaintiff or defendant, at their own option, appoint a single person only, not fraudulently inclined, &c. he may be a witness."

<sup>4</sup> Ibid.

<sup>5</sup> Laws of Menu, ch. viii 62.

deep learning in Scripture; nor a student of the Vedas; nor an anchoret secluded from all worldly connexions; nor one wholly dependant; nor one of bad fame; nor one who follows a cruel occupation; nor one who acts openly against the law; nor a decrepit old man; nor a child; nor a wretch of the lowest mixed class; nor one who has lost the organs of sense; nor one extremely grieved; nor one intoxicated; nor a madman; nor one tormented with hunger or thirst; nor one oppressed by fatigue; nor one excited by lust; nor one inflamed by wrath; nor one who has been convicted of theft."<sup>1</sup> Among the persons excluded from the rank of witnesses are the female sex entirely; unless in the case of evidence for others of the same sex. Servants, too, mechanic and those of the lowest class, are allowed to give evidence for individuals of the same description.<sup>2</sup> Brāhmens and the king are exempted from the obligation of giving evidence, by way of privilege, though the Brāhmens are admitted when they please.<sup>3</sup>

This enumeration of persons, whose testimony was altogether unfit to be believed, affords a proof of the great difficulty of obtaining true testimony in the age in which it was made; and holds up a dreadful picture of the state of morality to which it could be supposed to be adapted. It indicates, also, by the strange diversity of the cases which it includes, a singular want of discrimination, in the minds by which it was framed. And further; rules for the exclusion of testimony, from any person, not deprived of the ordinary exercise of the human faculties, could, however the vicious effects of custom may preserve them be introduced, only in an age of great ignorance and barbarity, when the human mind judges in the gross

<sup>1</sup> Laws of Menu, ch. viii. 64 to 67.    <sup>2</sup> Ib. 68.    <sup>3</sup> Ib. 69, 70, 71.

BOOK II. is incapable of nice discriminations, cannot assign the  
CHAP. 4. different value which ought to be attached to the  
testimony of different men, and estimates the weight  
of a body of evidence by the number, not the trust-  
worthiness, of the people who deliver it.

The introduction of rules for the exclusion of evidence marks the age of false refinement, which is that of semibarbarism, intermediate between the age of true wisdom, and that of primeval ignorance. When the first judges, or arbiters, the heads of families, had to clear up any dispute, they called before them every individual of the little community or family, who appeared to know any thing of the matter, and questioned them all; allowing to the statements, extracted from each, the influence, much or little, or none at all, to which they seemed entitled; and this is the course, which true wisdom would recommend. In an age, however, of false refinement, which aims at excessive accuracy, but, failing in comprehensiveness, applies its rules to only part of a subject, when they should include the whole, the makers of laws, perceiving that certain classes of witnesses were apt to give false testimony, and considering that false testimony misleads, resolved immediately that the testimony of such witnesses ought never to be received. Now, if the testimony of the best sort of witness had been a thing which the judges always had at command, in sufficient quantity, this might have been a rational procedure. But as this was very far from being the case; as it very often happens that the testimony of the best sort of witnesses cannot be had, or that they contradict one another; that not only some light, but full and satisfactory light, may often be obtained from the worst sort of witnesses; to determine that certain classes of persons, and among them the persons whose knowledge of the facts is naturally

the most complete, shall not be used as witnesses, is merely to determine that judicature shall be performed, so far, without evidence; that the judge shall decide without knowledge; and the question of right or wrong, instead of being determined upon all the evidence that can be had, shall be determined upon a part of it only; sometimes a most insignificant part, sometimes hardly any at all.<sup>1</sup>

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One of the strongest characteristics of a rude age, or of a corrupt government, is, to make laws which cannot, or ought not, to be executed; and then to give dispensations from them. "In all cases of violence, of theft and adultery, of defamation and assault," says the Hindu law, "the judge must not examine too strictly the competence of witnesses."<sup>2</sup>

A presumption, of the very weakest kind, is admitted as a full proof, in the following passages: "If a man brings a suit against another, saying, I have

<sup>1</sup> "If," says Mr. Hume, "the manner of punishing crimes among the Anglosaxons appear singular, the proofs were not less so: and were also the natural result of the situation of those people. Whatever we may imagine concerning the usual truth and sincerity of men who live in a rude and barbarous state, there is much more falsehood, and even perjury, among them, than among civilized nations: Virtue, which is nothing but a more enlarged and more cultivated reason, never flourishes to any degree, nor is founded on steady principles of honour, except where a good education becomes general; and where men are taught the pernicious consequences of vice, treachery, and immorality. Even superstition, though more prevalent among ignorant nations, is but a poor supply for the defects in knowledge and education: Our European ancestors, who employed every moment the expedient of swearing on extraordinary crosses and reliques, were less honourable in all engagements than their posterity, who, from experience, have omitted those ineffectual securities. This general proneness to perjury was much increased by the usual want of discernment in judges, who could not discuss an intricate evidence, and were obliged to number, not weigh, the testimony of witnesses." History of England, Appendix I.

This subject will, one day, when the papers of Mr. Bentham are produced, be presented to the world, in all the light which full knowledge, a minute analysis, and philosophy, can bestow upon it.

<sup>2</sup> Menu, ch. viii. 72.



BOOK II. which, in different ages and countries, human nature  
 CHAP. 4. puts on, the attentive observer may trace in it an astonishing uniformity with respect to the leading particulars which characterize the different stages of society; and often a surprising coincidence in particular thoughts and observances. The trials by ordeal, in the dark ages of modern Europe; when the decision of the most important questions was abandoned to chance or to fraud; when carrying in the hand a piece of red hot iron, or plunging the arm in boiling water, was deemed a test of innocence; and a painful or fraudulent experiment, supplanting a righteous award, might consign to punishment the most innocent, or save from it the most criminal of men; have been deemed a shocking singularity in the institutions of our barbarous ancestors. This species of evidence holds a high rank in the institutes of the Hindus. There are nine different modes of the trial by ordeal; 1. by the balance; 2. by fire; 3. by water; 4. by poison; 5. by water in which an idol has been washed; 6. by rice; 7. by boiling oil; 8. by red hot iron; 9. by images. The first of these, by the balance, is thus performed. The party accused is placed in the scale, and carefully weighed; after which, he is taken down, the pundits write the substance of the accusation on a piece of paper, and bind it on his forehead. At the end of six minutes he is weighed again, when, if lighter than before, he is pronounced innocent; if heavier, guilty. In the second ordeal, an excavation in the ground, nine hands long, two spans broad, and one span deep, is filled with a fire of pippal wood, into which the party must walk barefooted; proving his guilt, if he is burned; his innocence, if he escapes unhurt. The third species is rather more complicated: the person accused is made to stand in water up to his navel, with a Brahmen by

his side; a soldier then shoots three arrows from a bow of cane, and a man is dispatched to bring back that which was shot the farthest; as soon as he has taken it up, another man is directed to run from the brink of the water, and at the same instant the party under trial must plunge into it, grasping the foot or the staff of the Brahmen who stands by him: if he remains under the water till the two men with the arrows return, he is innocent; if he comes up, he is guilty. The fourth kind, by poison, is performed two ways: either the party swallows a certain quantity of a poisonous root, and is deemed innocent if no injury ensues; or a particular species of hooded snake is thrown into a deep earthen pot, and along with it a ring, a seal, or a coin. If the man, putting down his naked hand, cannot take this out, unbitten by the serpent, he is accounted guilty. The accused, in the fifth species, is made to drink three draughts of the water in which the images of the sun and other deities have been washed; and if within fourteen days he has any indisposition, his crime is considered as proved. When several persons are suspected of theft, they chew, each, a quantity of dried rice, and throw it upon some leaves or bark of a tree; they from whose mouth it comes dry, or stained with blood, are deemed guilty: This is the sixth species of ordeal. In the seventh, a man thrusts his hand into hot oil; and in the eighth he carries an iron ball, or the head of a lance, red hot in his hand; receiving his sentence of innocence or guilt according as he does or does not come off with impunity. The ninth species is literally a casting of lots: two images of the gods, one of silver, and one of iron, are thrown into a large earthen jar; or two pictures of a deity, one on white, and the other on black cloth, are rolled up in cow-dung, and thrown into a jar: if the man,

BOOK II.  
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BOOK II. on putting in his hand, draws out the silver image,  
 CHAP 4 or the white picture, he is deemed innocent; if the  
 contrary, guilty. The religious ceremonies with  
 which these trials are performed it would be tedious  
 and unprofitable to relate.<sup>1</sup>

The qualities desirable in a BODY OF LAW may  
 all be summed up under two comprehensive titles;  
 I. *Completeness*; II. *Exactness*.

*Completeness* has a reference to the matter; *Exactness* to the form.

I. A body of laws may be said to be *Complete*,  
 when they include every thing which they ought to  
 include; that is, when all those rights, the existence  
 of which is calculated to improve the state of society,  
 are created, and all those acts, the hurtfulness of  
 which to the society is so great as to outweigh the  
 cost, in all its senses, necessary for preventing them,  
 are constituted offences

II. A body of laws may be said to be *Exact*;  
 1. when it constitutes nothing a right, and nothing  
 an offence, except those things precisely which are  
 necessary to render it *Complete*; 2 when it contains  
 no extraneous matter whatsoever; 3 when the aggregate  
 of the powers and privileges which ought to be

<sup>1</sup> For a full account both of the law and the practice respecting the trial by ordeal, see a discourse "On The trial by Ordeal among the Hindus, by Ali Ibrahim Khan, chief magistrate at Benares," in the *Asiatic Researches*, i 389 See too the *Institutes of Menu*, ch viii 114, 115, 190, Mr Hallhed's *Code of Gentoo Laws*, ch iii sect 6, ch ii sect 15, ch xvii sect 4, ch xviii, and the Translator's preface, p 55, 56 Dr Buchanan informs us of a shocking species of ordeal in use, in some places, in regard to those, "who, having had sexual intercourse with a person of another cast, allege that it was by mistake If the criminal be a woman, melted led is poured into her private parts, if it be a man, a red hot iron is thrust up Should they be innocent it is supposed that they will not be injured" Journey through the Mysore, Canara, and Malabar, under the orders of Marquis Wellesley, i 307. According to Kœmpfer, the Japanese too use a species of ordeal for the discovery of guilt. History of Japan, ch v 236

constituted rights, the aggregate of the acts which ought to be constituted offences, are divided and subdivided into those very parcels or classes, which beyond all others best adapt themselves to the means of securing the one, and preventing the other; 4. when it defines those classes, that is, rights and offences, with the greatest possible clearness and certainty; 5. when it represses crimes with the smallest possible expense of punishment; and 6. when it prescribes the best possible form of a judicatory, and lays down the best possible rules for the judicatorial functions.

To show in what degree the Hindu law approaches, or recedes from, the standard of *Completeness*, would require a more extensive survey of the field of law, than consists with the plan of the present work.

That it departs widely from *Exactness*, in every one of the particulars wherein exactness consists, enough has already been seen to make abundantly apparent. 1. It creates a great many rights which ought to have no existence; and acts, which ought not to be erected into offences, it does so erect in great numbers. 2. It abounds in extraneous matter. 3. The division and arrangement of the matters of law are highly imperfect. 4. The definitions are so far from excluding darkness and doubt, that they leave almost every thing indefinite and uncertain. 5. Punishments are not repressed, but abound; while there is the most enormous excess in the quantity of punishment. 6. The form of the judicatory is bad, as are a certain proportion of the rules for the mode of performing the judicial services.

In respect to definitions, the Hindu law is in a state which requires a few words of elucidation. Prior to the art of writing, laws can have little accuracy of definition; because when words are not written, they

BOOK II. are seldom exactly remembered; and a definition  
 CHAP. 4. whose words are constantly varying is not, for the purposes of law, a definition at all. Notwithstanding the necessity of writing to produce fixed and accurate definitions in law, the nations of modern Europe have allowed a great proportion of their laws to continue in the unwritten; that is, the traditional state; the state in which they lay before the art of writing was known. Of these nations, none have kept in that barbarous condition so great a proportion of their law as the English. From the opinion of the Hindus that the Divine Being dictated all their laws, they acknowledge nothing as law but what is found in some one or other of their sacred books. In one sense, therefore, all their laws are written. But as the passages which can be collected from these books leave many parts of the field of law untouched, in these parts the defect must be supplied either by custom, or the momentary will of the judge. Again, as the passages which are collected from these books, even where they touch upon parts of the field of law, do so in expressions to the highest degree vague and indeterminate, they commonly admit of any one of several meanings, and very frequently are contradicted and opposed by one another. When the words in which laws are couched are to a certain degree imperfect, it makes but little difference whether they are written or not: Adhering to the same words is without advantage, when these words secure no sameness in the things which they are made to signify. Further, in modern Europe, the uncertainty adhering to all unwritten laws, that is, laws the words of which have no certainty, is to some degree, though still a very imperfect one, circumscribed and limited, by the writing down of decisions. When, on any particular part of the field, a

number of judges have all, with public approbation, decided in one way; and when these decisions are recorded and made known, the judge who comes after them has strong motives, both of fear and of hope, not to depart from their example. The degree of certainty, arising from the regard for uniformity, which may thus be produced, is, from its very nature, infinitely inferior to that which is the necessary result of good definitions rendered unalterable by writing. But such as it is, the Hindus are entirely deprived of it. Among them the strength of the human mind has never been sufficient to recommend effectually the preservation, by writing, of the memory of judicial decisions. It has never been sufficient to create such a public regard for uniformity, as to constitute a material motive to a judge. And as kings, and their great deputies, exercised the principal functions of judicature, they were too powerful to be restrained by a regard to what others had done before them. What judicature would pronounce was, therefore, almost always uncertain; almost always arbitrary.

In a JUDICATORY, the qualities desirable are; 1. intelligence; 2. good design: and that is the best judicatory in which the best securities are taken for them. In the judicatories of the Hindus, composed of the king and his Brahmens, or the Brahmens alone, there is no security for either the one or the other; and accordingly neither the one nor the other almost ever appears.

The qualities desirable in the forms of judicial procedure, are, 1. efficiency; 2. freedom from delay; 3. freedom from trouble and expense. In these several respects the system of the Hindus displayed a degree of excellence not only far beyond itself in the other branches of law, but far beyond what is exemplified in more enlightened countries. 1. The

efficiency of the Hindu system of judicial procedure is chiefly impaired by those rules of evidence the badness of which has already been pointed out: 2. For preventing delay, it enjoys every requisite, in its method of immediate, direct, and simple investigation. 3. In the same method is included all that is requisite for obtaining the judicial services with the smallest portion of trouble and expense<sup>1</sup>

<sup>1</sup> One of the most recent witnesses of the phenomena of Hindu society, who possessed extraordinary means of accurate knowledge, speaks in general upon the administration of justice among the Hindus in the following terms

"Without any of the judicial forms invented by the spirit of chicanery in Europe, with no advocates, solicitors, or other blood suckers, now become necessary adjuncts of a court of justice in Europe, the Hindus determine the greater part of their suits of law, by the arbitration of friends, or of the heads of the cast, or, in cases of the very highest importance, by reference to the chiefs of the whole casts of the district assembled to discuss the matter in controversy — In ordinary questions they generally apply to the chief of the place, who takes upon himself the office of justice of the peace, and accommodates the matter between the parties. When he thinks it more fit, he sends them before their kindred, or arbitrators whom he appoints. He generally follows the last course when the complainants are Brahmans, because persons out of their cast are not supposed capable of properly deciding differences between them. When these methods have been ineffectual to reconcile the parties, or when they refuse to submit to the decision of the arbitrators, they must apply to the magistrates of the district, who decide the controversy without any appeal.

"The authority of the Hindu princes as well as that of the vile emissaires whom they keep in the several provinces of their country for the purpose of harassing and oppressing them in their name, being altogether despotic, and knowing no other rule but their own arbitrary will, there is nothing in India that resembles a court of justice. Neither is there a shadow of public right, nor any code of laws by which those who administer justice may be guided. The civil power and the judicial are generally united, and exercised in each district by the collector or receiver of the imposts. This sort of public magistrates are generally known under the name of *Hariddar* or *Thasildar*. They are generally Brahmans. This tribunal, chiefly intended for the collection of the taxes, takes cognizance of all affairs civil and criminal within its bounds, and determines upon all causes." Description of the Character, Manners, and Customs of the people of India, by the Abbé J. A. Dubois, Missionary in the Mysore, p. 493

## CHAP. V.

*The Taxes.*

THE form of the government is one; the nature of BOOK II.  
 the laws for the administration of justice is the other, CHAP. 5.  
 of the two circumstances by which the condition of  
 the people in all countries is chiefly determined. Of  
 these two primary causes no result to a greater degree  
 ensures the happiness or misery of the people, than  
 the mode of providing for the pecuniary wants of the  
 government, and the extent to which the agents of  
 government, of whatever kind, are enabled to divide  
 among themselves and their creatures, the annual  
 produce of the land and labour of the community.

The matters of detail, which by their number and  
 uncertainty have so exceedingly perplexed the ser-  
 vants of the Company, in the financial operations of  
 the Indian government, cannot here be described.  
 The general outline, and the more important effects,  
 of that system of taxation which is described in the  
 ancient books, are all that falls within the design  
 of an account of the ancient state of the people.  
 1. "Of grain," says the ordinance of Menu, "an  
 eighth part, a sixth, or a twelfth may be taken by  
 the king;" to be determined, adds the gloss of the  
 commentator Culluca, "by the difference of the soil,  
 and the labour necessary to cultivate it."<sup>1</sup> 2. "He  
 may also take a sixth part of the clear annual in-

\* Laws of Menu, ch. vii. 130.



BOOK II. crease of trees, flesh-meat, honey, clarified butter, perfumes, medical substances, liquids, flowers, roots and fruit, of gathered leaves, potherbs, grass, utensils made with leather, or cane, earthen pots, and all things made of stone."<sup>1</sup> 3. "Of cattle, of gems, of gold and silver, added each year to the capital stock, a fiftieth part may be taken by the king."<sup>2</sup> 4. "Having ascertained the rules of purchase and sale," says the law, "the length of the way, the expenses of food and of condiments, the charges of securing the goods carried, and the neat profits of trade, let the king oblige traders to pay taxes on their salcable commodities; after full consideration, let a king so levy those taxes continually in his dominions, that both he and the merchant may receive a just compensation for their several acts."<sup>3</sup> 5. "Let the king order a mere trifle to be paid, in the name of the annual tax, by the meaner inhabitants of his realm, who subsist by petty traffic: 6. By low handicraftsmen, artificers, and servile men, who support themselves by labour, the king may cause work to be done for a day in each month."<sup>4</sup> It is added; 7. "A military king, who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin. 8. The tax on the mercantile class, which in times of prosperity must be only a twelfth part of their crops, and a fiftieth of their personal profits, may be an eighth of their crops in a time of distress, or a sixth, which is the medium, or even a fourth in great public adversity; but a twentieth of their gains on money and other moveables is the highest tax: serving men, ar-

<sup>1</sup> Laws of Menu, ch. vii. 131, 132.

<sup>2</sup> Ib. 127, 128.

<sup>3</sup> Ib. 130.

<sup>4</sup> Ib. 137, 138.

tisans, and mechanics, must assist by their  
at no time pay taxes."<sup>1</sup>

In these several articles is found an enumeration of all the objects of taxation; and a general expression of the modes and degrees of impost. We perceive of taxes on the produce of land, taxes on the produce of labour, a tax on accumulation, a tax on sales, and poll taxes. In article 1., is exhibited a tax on the produce of land; In article 2., a tax both on the produce of land, and on the produce of labour; In article 3., is a tax on accumulation, at least in certain commodities; In article 4., is a tax on purchases and sales; In article 5., is one sort of poll tax; In article 6., is another.

There are two primary qualities desirable in a system of taxation; and in them every thing is included.

The First is, to take from the people the smallest quantity possible of their annual produce, that which is

The Second is, to take from them the least or uneasiness taken with the smallest possible hurt.

I. Of taking from the people more than enough of the matter of wealth, the causes are two; 1st. When the government consumes beyond the smallest amount it yields; sufficient to obtain the services which themselves 2d. When the collection of the taxes, which, without costs more than the lowest sum at which, without sacrificing greater advantages, it is capable of being performed.

II. Of the hurt and uneasiness, beyond the loss of what is taken away, which a system of taxation is; 1. Uncertain to produce, the causes seem to be production; tainty; 2. Inequality; 3. Impediment to

<sup>1</sup> Laws of Menu, ch. x. 118, 120.

BOOK II. 4. Injury to the good qualities, bodily or mental, of  
 CHAP 5. the people.

Of the first head and its subdivisions, no illustration is necessary; and a few words will suffice for the second.

1. Uncertainty may arise from two sources; 1. Uncertainty in the meaning of the words, by which the tax is defined; 2. Uncertainty in the circumstances upon which the amount of the tax is made to depend; as if it were made to depend upon the weather, or the state of a man's health. Uncertainty in the meaning of the words opens a door to oppression and fraud, on the part of the collector. He will exact the largest sum consistent with the words, if he is not bribed; the lowest, if he is. Uncertainty, from whatever source, is a cause of uneasiness. The mind is continually haunted with the idea of the worst, and with all the fears which attend it; fears, often very great and tormenting. As often as a source of chicanery is opened about the amount which the contributor should pay, a source of extortion is opened, and a source of oppression, necessary to effect the extortion.

2. Of the unequal partition of taxes, the necessary consequence is, a greater quantity of suffering, than the same amount of taxes would produce, if more equally imposed; because the pain of the man who pays too much is out of all proportion greater than the pleasure of the man who pays too little. To make the burthen of taxes equal, it should be made to press with equal severity upon every individual. This is not effected by a mere numerical proportion. The man who is taxed to the amount of one tenth, and still more the man who is taxed to the amount of one fifth or one half, of an income of 100*l.* per annum, is taxed far more severely, than the man who is

taxed to an equal proportion of an income of 1000%. and to a prodigious degree more severely than the man who is taxed to an equal proportion of 10,000%. per annum.

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3. On the mischievousness of all taxes which impede production, it is needless to enlarge. It is only necessary to make them known, or rather acknowledged. 1. Of this sort, are all taxes which take away any part of that property which has been already employed, as capital; because there is always more or less of difficulty in replacing it from the fund destined for immediate consumption. 2. Of this sort also are all taxes which create any encouragement whatsoever, or any discouragement whatsoever, to any particular employment of capital in respect to other employments; for as capital is always carried by a strong impulse to that employment which is the most productive, every thing which turns it out of the course which it would take of its own accord, turns so much of it out of a more, into a less productive channel.

4. That all taxes ought to be shunned which tend to lessen the amount of useful qualities in the people, will not be contradicted. Taxes upon medicines have a tendency to diminish health and strength. Taxes upon innocent amusements, as the sports of the field; have a tendency to drive the people to others that are hurtful. Taxes upon articles of consumption not hurtful, which have a tendency to supplant others that are, as tea and sugar to supplant intoxicating liquors. prompt to the consumption of the hurtful. Taxes upon law proceedings are a premium upon the practice of every species of iniquity. Lotteries are a direct encouragement to a habit of mind, with which no useful tendency can easily co-exist. And all taxes, of which the quantity due is

BOOK II. not clear and certain, train the people, by continual  
 CHAP. 5. practice, to a state of hardened perfection in mendacity, in fraud, and in perjury.

1. In the above list of the sacred ordinances concerning taxes, the first relates entirely to the tax on the produce of the soil. It offends against the rule of *certainty* to a high degree. The amount varies as one to one half; and the variation is made to depend upon circumstances the uncertainty of which opens a boundless field to all the wretched arts of chicanery and fraud on the part of the people, and all the evils of oppression on the part of the collectors. As the determination of the circumstances on which the amount of the assessment depends belongs of course, in such a state of society as that of the Hindus, to the agents of the treasury, a free career is afforded to all the baneful operations of favour and disfavour, of bribery and corruption. Whenever an option is granted between a less exaction and a greater, the violent propensity of all imperfect governments to excess in expense is sure in time to establish the greater. It would appear accordingly that a sixth part of the produce became the uniform tax in Hindustan; and that the indulgence in favour of the barren soils was extinguished. This is the state in which it was found by the Mohammedan conquerors.<sup>1</sup> And in *Sacotala*,<sup>2</sup> the king is described, at a much earlier period, as "that man whose revenue arises from a sixth part of his people's income." The source of variation and uncertainty from these causes was prodigiously enlarged by the power reserved to the king, of taking even a fourth of the crops, in times of distress. As he was himself

<sup>1</sup> Ayeen Akbery, p. 347.

<sup>2</sup> An ancient Sanscrit poem of the dramatic form, translated by Sir William Jones: See the beginning of the fifth act.

the judge of these times of necessity, we may believe that they were of pretty frequent recurrence.

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2. In the second of these fiscal ordinances, a variety of products are enumerated, which, in a rude age, are either the spontaneous produce of the soil, as flowers, roots, grass; or obtained from the spontaneous produce, by some very simple process; as perfumes and medical substances, by expression; flesh-meat and honey, by killing the animals which produce them; and these, as costing little in point of labour, are all taxed at the highest rate imposed upon grain. By one of those capricious arrangements which abound in the institutions of a rude people, utensils made of leather, cane, earth, and stone, in the production of which labour is the principal agent, are placed under the same exaction as the spontaneous productions of the soil. The consequence must have been to render these commodities proportionably dear.

In the execution of this ordinance, there must have been excessive uncertainty, and excessive expense. What is meant by "the annual increase?" The "annual produce of trees" is an absurd expression: Trees grow not by the year. What shall be said of such expressions, as "the annual produce," of "clarified butter," "of flesh-meat," "of flowers?" Not commodities, which continue accumulating, till the amount of the annual produce is seen entire at the end of the year: but commodities daily brought into existence and daily consumed. To collect the tax upon such commodities, a daily visit in every family would hardly suffice. In the execution of this ordinance, the temptation to the incessant practice of all the arts of fraud, on the part of the people, and the powers of oppression bestowed upon the collectors, were well calculated to fill the society with immorality and suffering.

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The tenure of land in Hindustan has been the source of violent controversies among the servants of the Company; and between them and other Europeans. They first sprung up amid the disputes between Mr. Hastings and Mr. Francis, respecting the best mode of taxing Bengal. And they have been carried on with great warmth, and sometimes with great acrimony, ever since. Of these controversies the account will be due, at the periods when they occur. At present it will suffice to bring to light the circumstances which appear to ascertain the ancient state of the country, in respect to the distribution of property in the land.

In a state of society resembling our own, in which property is secure, and involves very extensive rights or privileges, the affections which it excites are so strong, and give such a force to the associations, by which the idea of it is compacted and formed, that in minds of little range, whose habits are blind and obstinate, the particulars combined together under the idea of property, appear to be connected by nature, and cannot, without extreme injustice, be conceived to exist apart.

At different times, however, very different rights and advantages are included under the idea of property. At very early periods of society it included very few: originally, nothing more perhaps than use during occupancy, the commodity being liable to be taken by another, the moment it was relinquished by the hand which held it: but one privilege is added to another as society advances: and it is not till a considerable progress has been made in civilization, that the right of property involves all the powers which are ultimately bestowed upon it.

It is hardly necessary to add, that the different combinations of benefits which are included under the

idea of property, at different periods of society, are all equally arbitrary ; that they are not the offspring of nature, but the creatures of will ; determined, and chosen by the society, as that arrangement with regard to useful objects, which is, or is pretended to be, the best for all.

It is worthy of remark, that property in moveables was established ; and that it conveyed most of the powers which are at any time assigned to it ; while, as yet, property in land had no existence. So long as men continue to derive their subsistence from hunting ; so long, indeed, as they continue to derive it from their flocks and herds, the land is enjoyed in common. Even when they begin to derive it partly from the ground, though the man who has cultivated a field is regarded as possessing in it a property till he has reaped his crop, he has no better title to it than another for the succeeding year.<sup>1</sup>

In prosecuting the advantages which are found to spring from the newly-invented method of deriving

<sup>1</sup> Suevorum gens est longe maxima et bellicosissima Germanorum omnium. Ii centum pagos habere dicuntur.\*\*\* Privati et separati agri apud eos nihil est ; neque *longius anno* remanere uno in loco, incolendi causa licet : neque multum frumento, sed maximam partem lacte atque pecore vivunt, multumque sunt in venationibus. Cæsar. De Bell. Gal. lib. iv. cap. 1. Among some tribes of negroes on the coast of Africa, each individual must obtain the consent of the chief before he has liberty to cultivate a field, and is only protected in its possession till he has reaped the crop for which he has toiled. Histoire Generale des Voyages, tom. v. ch. vii. sect. 5. “ Neque quisquam agri modum certum, aut fines proprios habet : sed magistratus ac principes, in annis singulos, gentibus cognationibusque hominum qui una coierunt quantum et quo loco visum est agri attribuant ; atque anno post, alio transire cogunt.” Cæsar. De Bello Gallico, lib. vi. cap. 20.

———— Rigidî Getæ,  
Immetata quibus jugera liberas  
Fruges et Cererem ferunt,  
Nec cultura placet longior annua ;  
Defunctumque laboribus  
Æquali recreat sorte vicarius. Hor. lib. iii. Od. 24.



the means of subsistence from the ground, experience in time discovers, that much obstruction is created by restricting the right of ownership to a single year; and that food would be provided in greater abundance, if, by a greater permanence, men were encouraged to a more careful cultivation. To make, however, that belong to one man, which formerly belonged to all, is a change, to which men do not easily reconcile their minds. In a thing of so much importance as the land, the change is a great revolution. To overcome the popular resistance, that expedient which appears to have been the most generally successful, is, to vest the sovereign, as the representative of the society, with that property in the land which belongs to the society; and the sovereign parcels it out to individuals, with all those powers of ownership, which are regarded as most favourable to the extraction from the land of those benefits which it is calculated to yield. When a sovereign takes possession of a country by conquest, he naturally appropriates to himself all the benefits, which the ideas of his soldiers permit.

In many of the rude parts of Africa, the property of the land is understood to reside in the sovereign; it is in the shape of a donation from him, that individuals are allowed to cultivate; and when the son, as is generally the case, succeeds to the father, it is only by a prolongation of the royal bounty, which, in some places at least, is not obtained without a formal solicitation.<sup>1</sup> It is known, that in Egypt the

<sup>1</sup> *Histoire Generale des Voyages*, tom. iv. ch. xiii. p. 203. *Modern Universal History*, vol. xvii. p. 322. I am induced to transcribe the following passage from Mr. Park. "Concerning property in the soil, it appeared to me that the lands and native woods were considered as belonging to the king, or (where the government was not monarchical) to the state. When any individual of free condition had the means of cultivating more land than he actually possessed, he applied to the chief

king was the sole proprietor of the land; and one fifth of the produce appears to have been yielded to him as revenue or rent.<sup>1</sup> Throughout the Ottoman dominions, the Sultan claims to himself the sole property in land.<sup>2</sup> The same has undoubtedly been the situation of Persia, both in ancient and modern times.<sup>3</sup> "It is established," says the late intelligent Governor of Java, "from every source of inquiry, that the sovereign in Java is the lord of the soil."<sup>4</sup> And

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man of the district, who allowed him an extension of territory, on condition of forfeiture, if the lands were not brought into cultivation by a given period. The condition being fulfilled, the soil become vested in the possessor; and, for aught that appeared to me, descended to his heirs." *Travels in Africa*, p. 260, 261.

"All the land is said to belong to the king; but if a man chooses to clear a spot and erect a town, he may: the land is free for any of the people. If a stranger, indeed, that is, an European, should wish to settle among them, he must make a present of goods to the king." Correspondence of John Kizell, on the state of the people on the river Sherbro, Appendix to the Sixth Report of the African Institution, p. 133.

<sup>1</sup> Herodot. lib. ii. cap. cix. says, that Sesostris, as he was told by the priests, divided all the land of Egypt among the people, and thence raised his revenues, imposing an annual tribute on each portion; *και απο της τας προσδόνς ποιησασθαι, επιταξάντα αποφορην επιτελειν πατ' ενιαυτον*. See too, Strabo, lib. xvii. p. 1135. Diod. Sic. lib. i. sect. 2. cap. xxiv.

<sup>2</sup> Volney's *Travels in Syria and Egypt*, vol. ii. p. 402, et passim. *De l'Egypte, par le General Reynier*, p. 66, 51.

<sup>3</sup> For information on this point, see Herodot. lib. iii.; lib. iv. cap. xlii.; Sir William Ouseley's *Translation of Ebn Haukal*, an Arabian geographer, who lived in the tenth century, p. 137; *Institutes of Timur*; *Ayeeen Akberry*; *Chardin's Travels*.

<sup>4</sup> Gov. Raffles' *Minute on Java*, p. 6; also, p. 79, 108. The distribution of the land among the Peruvians was as follows: One third part of it was dedicated to, and cultivated for, the gods; that is, the priests. Another third part the Inca reserved for himself, for the maintenance of his court and of his armies. The remaining third he distributed to the people, assigning an established portion to each family. "But no particular man," (says Acosta, *Nat. and Mor. Hist. of the Indies*, book VI. ch. xv.) "possessed any thing proper to himself of this third portion, neither did the Indians ever possess any, if it were not by special grace from the Inca." Garcilasso de la Vega tells us, (part I. book V. ch. i.) that it was only when there was more land than sufficed for the people, that the Inca and the Sun received their full thirds; when that was not the case, these portions were diminished to augment to the proper pro-

BOOK II. when the fact is established in regard to Java, it  
 CHAP. 5. is established with regard to all that part of the eastern islands, which in point of manners and civilization resembled Java. It is not disputed that in China the whole property of the soil is vested in the Emperor.<sup>1</sup> By the laws of the Welsh, in the ninth century, all the land of the kingdom was declared to belong to the king;<sup>2</sup> and we may safely, says Mr. Turner, believe, that the same law prevailed while the Britons occupied the whole island.<sup>3</sup>

To those who contemplate the prevalence of this institution, among nations contiguous to the Hindus, and resembling them in the state of civilization, it cannot appear surprising, that among them, too, the sovereign was the lord of the soil. The fact is, indeed, very forcibly implied, in many of the ancient laws and institutions. "Of old hoards," says one of the ordinances of Menu, "and precious minerals in the earth, the king is entitled to half by reason of his general protection, and because he is the supreme lord of the soil."<sup>4</sup> The king, as proprietor, and as fully entitled to an equitable return for the land which he

portion that of the people. See too Carli, *Lettres sur l'Amerique*, let. xv. For great services land was given in full property; Acosta, book VI. ch. xviii; and this is another remarkable coincidence with what existed in Hindustan.

<sup>1</sup> Abbé Grosier *Descr. de la Chine*; but Mr. Barrow's testimony is the most direct and satisfactory. "The emperor," says he, "is considered as the sole proprietor of, the soil, but the tenant is never turned out of possession as long as he continues to pay his rent, which is calculated at about one tenth of what his farm is supposed capable of yielding; and though the holder of lands can only be considered as a tenant at will, yet it is his own fault if he should be dispossessed." *Barrow's China*, p. 397.

<sup>2</sup> *Leges Wallicæ*, Hoel, cap. 337.

<sup>3</sup> Turner's *History of the Anglo-saxons*, vol. ii. ch. vi

<sup>4</sup> *Laws of Menu*, ch. viii. 39. I have here substituted the word *supreme* for the word *paramount*, used by Sir William Jones, which has no meaning but as it relates to the feudal institutions of Europe, and is calculated to convey an erroneous idea.

has let, is empowered to punish the cultivator for bad cultivation. "If land be injured, by the fault of the farmer himself, as if he fails to sow it in due time, he shall be fined ten times as much as the king's share of the crop, that might otherwise have been raised; but only five times as much, if it was the fault of his servants without his knowledge."<sup>1</sup> Among other ancient memorials of Hindu institutions and manners, are certain inscriptions engraved on durable materials. Some of them are records of grants of land, commonly to favourite Brahmens; and afford strong indication of the proprietary rights of the sovereign. The sovereign gives away villages and lands, not empty, but already occupied by cultivators, and paying rent.<sup>2</sup> It appears from an ordinance of Yagyawalkya, one of the most sacred of the law sages, that the kings alienated the lands within their dominions, in the same manner, and by the same title, as they alienated any portion of their revenues.<sup>3</sup> On

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<sup>1</sup> Laws of Menu, ch. viii. 243.

<sup>2</sup> See a royal grant of land, engraved on a copper plate, bearing date twenty-three years before Christ; and discovered among the ruins at Monguir, translated by Mr. Wilkins, *Asiat. Researches*, i. 123. "Be it known," says the inscription, (p. 126) "that I have given the above-mentioned town of Meseeka, whose limits include the fields where the cattle graze, above and below the surface, with all the lands belonging to it, together with all the Mango and Modhoo trees; all its waters, and all their banks and verdure; all its *rents*, all its tolls and fines for crimes, and rewards for catching thieves. In it there shall be no molestation, no passage for troops," &c. It is here remarkable that the sovereign, as well as the proprietary, rights are given away; so indissolubly were these united in the minds and institutions of the Hindus. In the same manner in another grant of land found at Tanna, and bearing date An. Christi, 1018, the land is given away "with its herbage, wood, and water, and with power of punishing for the ten crimes." *Asiat. Researches*, i. 364.

<sup>3</sup> "Let a king, *having given land, or assigned revenue*, cause his gift to be written for the information of good princes, who will succeed him, either on prepared cloth, or on a plate of copper, sealed above with his signet; having described his ancestors and himself, the dimensions or quantity of the gift, with its metes and bounds, if it be land, and set his own hand to it, and specified the time, let him render his donation firm."

this point, it is of material importance to remark, that up to the time, when the interests of the Company's servants led them to raise a controversy about the rights of the Zemindars, every European visitor, without one exception that I have found, agrees in the opinion, that the sovereign was the owner of the soil.<sup>1</sup>

See the original, and the translation of Sir William Jones, *Asiat Res* III. 50

The Digest of Hindu law, translated by Colebrooke, (1 460) declares, "By conquest, the earth became the property of the holy Parasu Rama, by gift the property of the sage Casyapa, and, committed by him to Cshatriyas for the sake of protection, became their protective property successively held by powerful conquerors, and not by subjects, cultivating the soil" It further appears, from the same passage, that by agreement with the sovereign, and not otherwise, a tenure of more than one year might be required, but without such agreement, the cultivator might be turned away at the end of every year, if a larger rent was offered by any other. It was highly necessary to quote this passage, though it is affirmed by Col Wilks, to be a law manufactured by the complaisant Brahmens, who made the Digest, on purpose to suit the opinions of the ruling power, at that time in love with the Zemindarry system. Col Wilks affirms, that there is nothing whatsoever which the Brahmens cannot make to be law, on a similar occasion. And it is at least certain, that part of what they give as law has been proved to be at variance with all that appears either of their present or ancient institutions.

"That there were no hereditary estates in India, for that all the land belonged to the King, which he disposed of at pleasure" Persian authority, quoted by Stewart, *Hist of Bengal*, p 132

<sup>1</sup> It is proper to adduce the more remarkable instances. The ancient Greeks who visited India expressly inform us, that the kings were the sole proprietors of the soil, and that a fourth part of the produce was usually paid them in kind as the rent or tribute. Strabo, lib xv p 1000. Diod Sic lib ii p 53

"Diodorus, Strabo, the voyagers and travellers of later times, without any exception that has fallen within the scope of my limited reading, the authors of the *Lettres Edifiantes*, and the European travellers who visited the court of Aurungzebe in the latter part of the seventeenth century, Bernier, Tevernot, Chardin, Tavernier, and I believe, Manouché, are unanimous in denying the existence of private landed property in India" Wilks, *Hist Sketches*, p 114

"In revenue the Emperor doubtless exceeds either Turk or Persian, or any eastern prince, the sums I dare not name, but the reason. All the land is his, no man has a foot." Sir T. Roe to the Archbishop of Canterbury, Churchill, 1 803

"Toutes les terres du royaume," says Bernier, "étant en propre au

Wherever the Hindus have remained under the influence of their ancient customs and laws, the facts correspond with the inference which would be drawn from these laws. Under the direction of the Governor-General of Bengal, a journey was undertaken, in the year 1766, by Mr. Motte, to the diamond mines in the province of Orissa. In a narrative of his journey, he gives an account of the distribution of the land at Sumbhulpoor, which till that time had remained under the native government. Each village being rated to the government at a certain quantity of rice, which is paid in kind, the land is thus divided among the inhabitants: To every man, as soon as he arrives at the proper age, is granted such a quantity of arable land as is estimated to produce 242½ measures

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roi," &c. Suite de Mem. sur l'Emp. du Grand Mogol, t. ii. p. 10. See also, p. 150, 174, 178: at p. 139, he makes the following remark; " Ces trois etats, Turkie, Perse, et l'Hindoustan, comme ils ont tous osté ce *Mien* et ce *Tien*, a l'egard des fonds de terre et de la propriété des possessions, qui est le fondement de tout ce qu'il y a de beau et de bon dans le monde, ne peuvent qu'ils ne se ressemblent de bien près." Montesquieu seems to have been fully aware of this important fact.—" Les loix des Indes, qui donnent les terres aux princes, et ôtent aux particuliers l'esprit de propriété, augmentent les mauvais effets du climat, c'est à dire, la paresse naturelle." Esp. de Loix, liv. xiv. ch. 6.

" All the lands in India are considered as the property of the king, except some hereditary districts possessed by Hindoo princes." Dow's Hindostan, preface, p. xiii.

" All the lands in the kingdom," says Mr. Orme, (Fragments, p. 403) belong to the king: therefore all the lands in the provinces are subject to the Nabob. With him, or his representatives, farmers agree for the cultivation of such an extent, on reserving to themselves such a proportion of the produce. This proportion is settled according to the difficulty or ease of raising the grain, and seldom exceeds a third." One third to the cultivator, and two thirds to the proprietor, would be accounted a rack-rent in England. Mr. Orme says again, (Ibid. p. 414) " The king, by being proprietor of the lands, sells to his subjects their subsistence, instead of receiving supplies from them." Mr. Holwell says, (Interesting Historical Events, i. 220). " The rents of the lands are the property of the emperor." And again, " The tenures of the ryots are irrevocable, as long as they pay the rent; and by the laws of Hindostan, they must be twelve months in arrear before they can be ejected." Ibid.

BOOK II of rice, of which he must pay  $60\frac{1}{2}$  measures, or at  
 CHAP. 5 one fourth to the rajah or king. Mr. Motte ac-  
 "The reserved rent of three or four villages, be-  
 one fourth the produce of the land, is applied to  
 use of the rajah's household. The reserved rent  
 the rest is given to his relations or principal serva-  
 who by these means have all the inhabitants depe-  
 ent on them."<sup>1</sup> Dr. Buchanan gives a partic-  
 account of the manner in which the crop, in th-  
 parts of India which are most purely Hindu  
 divided between the inhabitants and the governm-  
 In Bengal it is not allowed to be cut down till  
 rent or tax is first paid: but in those countries  
 which his journey principally relates, it is the cust-  
 after the grain has been thrashed out in the field  
 collect it into heaps, and then to divide it. A h-  
 generally consists of about 110 Winchester bushels  
 which he presents the following distribution as a s-  
 cimen of the partition which is usually made. f-  
 the gods, that is, for the priests at their temples,  
 deducted five seers, containing about one-third o-  
 Winchester gallon each; for charity, or for the m-  
 dicant Brahmens, an equal quantity; for the astr-  
 ger and the Brahmens of the village, one seer ea-  
 for the barber, the potmaker, the washerman, and  
 Vasaradava, who is both carpenter and blacksm-  
 two seers each; for the measurer, four seers; for  
 Aduca, a kind of beadle, seven seers; for the vill-  
 chief, eight seers, out of which he has to furnish  
 village sacrifices; and for the accomptant, ten se-

<sup>1</sup> A Narrative of a Journey to the Diamond Mines of Sumbhulp-  
 in the province of Orissa, by Thomas Motte, Esq. Asiatic Annual Re-  
 ter, i., Miscellaneous Tracts, p. 75. Mr. Motte further informs us  
 every man at Sumbhulpoor is enrolled as a soldier, and is allowed his  
 measure of rice in the day for his subsistence, while his wife cultivates  
 farm. He seems to say that this subsistence is given to him by the  
 from the produce of the farm

All these perquisites are the same, whatever be the size of the heap beyond a measure of about twenty-five Winchester bushels. When these allowances are withdrawn the heap is measured; and for every candaca which it contains, a measure equal to  $5\frac{1}{6}$  Winchester bushels, there is again deducted half a seer to the village watchmen, two and a half seers to the accomptant, as much to the chief of the village; and the bottom of the heap, about an inch thick, mixed with the cow-dung which in order to purify it had been spread on the ground, is given to the Nirgunt, or conductor of water. These several deductions, on a heap of twenty candacas, or 110 Winchester bushels, amount to about  $5\frac{1}{4}$  per cent. on the gross produce. Of the remainder, 10 per cent. is paid to the collectors of the revenue, as their wages or hire; and the heap is last of all divided into halves between the king and the cultivator.<sup>1</sup>

From these facts only one conclusion can be drawn, that the property of the soil resided in the sovereign; for if it did not reside in him, it will be impossible to show to whom it belonged. - The cultivators were left a bare compensation, often not so much as a bare compensation, for the labour and cost of cultivation: they got the benefit of their labour: all the benefit of the land went to the king.<sup>2</sup>

<sup>1</sup> Buchanan's Journey through the Mysore, &c. i. 2, 3, 130, 194, 265.

"This simple mode of rating lands for half their yearly produce is derived from the remotest antiquity in different parts of Hindostan, and still invariably prevails in such countries as were left unsubdued by the Mahomedans, like Tanjore, where the ancient Indian forms of administration are, for the most part, preserved entire." British India Analysed, i. 195.

<sup>2</sup> The Missionary Dubois, with his singular opportunities of correct information, says peremptorily; "Creditors can have no hold on the real estate of their debtors, because the Hindus have no property in the soil. The lands which they cultivate are the domain of the prince, who



BOOK II. Upon the state of facts, in those places where the  
 CHAP. 5. present practices of the Hindus have not been forced  
 into a disconformity with their ancient institutions, the fullest light has been thrown, by those servants of the Company, who made the inquiries requisite for the introduction of a regular system of finance, into the extensive regions in the south of India added to the British dominions during the administrations of the Marquisses Cornwallis and Wellesley. Place, Munro, Thackeray, Hodgson, were happily men of talents; sufficiently enlightened to see the things which were before them with their naked eyes; and not through the mist of English anticipations. From the reports of these meritorious gentlemen, presented to their superiors, the Committee of the House of Commons, which inquired into East India affairs in 1810, have drawn the following as a general picture: "A village, geographically considered, is a tract of country, comprising some hundreds, or thousands, of acres of arable and waste land. Politically viewed, it resembles a corporation, or township. Its proper establishment of officers and servants consists of the following descriptions: The *Potail*, or head inhabitant, who has the general superintendance of the affairs of the village, settles the disputes of the inhabitants, attends to the police, and performs the duty

is the sole proprietor. He can resume them at his pleasure, and give them to another to cultivate. Even the huts in which they live, built of mud and covered with thatch, are not their own. All belongs to the prince; and if a man, for any reason whatever, quits his habitation in the village, he can by no means dispose of it to another, although it were constructed by his own hands. The only property they possess is their few cows and buffaloes; and upon these no creditor is allowed to lay his hands; because, if deprived of his cattle, he would be unable to cultivate the land; whence an injury would accrue to the prince." Description, &c. of the People of India, by the Abbé Dubois, p. 496.

of collecting the revenues within his village: The *Curnum*, who keeps the accounts of cultivation, and registers every thing connected with it: The *Tallier* and *Totic*; the duty of the former appearing to consist in a wider and more enlarged sphere of action, in gaining information of crimes and offences, and in escorting and protecting persons travelling from one village to another; the province of the latter appearing to be more immediately confined to the village, consisting, among other duties, in guarding the crops, and assisting in measuring them: The *Boundary-man*, who preserves the limits of the village or gives evidence respecting them in cases of dispute: The *Superintendant of water courses and tanks*, who distributes the water for the purposes of agriculture: The *Brahmen*, who performs the village worship: The *Schoolmaster*, who is seen teaching the children in the villages to read and write in the sand: The *Calendar Brahmen*, or astrologer, who proclaims the lucky, or unpropitious periods for sowing and thrashing: The *Smith*, and *Carpenter*, who manufacture the implements of agriculture, and build the dwelling of the ryot: The *Potman* or potter: The *Washer-man*: The *Barber*: The *Cow-keeper*, who looks after the cattle: The *Doctor*: The *Dancing Girl*, who attends at rejoicings; The *Musician*, and the *Poet*.

“Under this simple form of municipal government, the inhabitants of the country have lived, from time immemorial. The boundaries of the villages have been seldom altered: and though the villages themselves have been sometimes injured, and even desolated, by war, famine, and disease, the same name, the same limits, the same interests, and even the same families, have continued for ages. The inhabitants give themselves no trouble about the

BOOK II breaking up and division of kingdoms; while the  
 CHAP 5 village remains entire, they care not to what power it  
 is transferred, or to what sovereign it devolves; its  
 internal economy remains unchanged; the Pottail is  
 still the head inhabitant, and still acts as the petty  
 judge and magistrate, and collector or renter of the  
 village."<sup>1</sup>

These villages appear to have been not only a sort  
 of small republic, but to have enjoyed to a great de-  
 gree the community of goods. Mr. Place, the col-  
 lector in the jaghire district at Madras, informs us,  
 that "Every village considers itself a distinct so-  
 ciety; and its general concerns the sole object of the  
 inhabitants at large: a practice," he adds, "which  
 surely redounds as much to the public good as to  
 theirs; each having, in some way or other, the assist-  
 ance of the rest; the labours of all yield the rent;  
 they enjoy the profit, proportionate to their original  
 interest, and the loss falls light. It consists exactly  
 with the principles upon which the advantages are  
 derived from the division of labour; one man goes to  
 market, whilst the rest attend to the cultivation and

<sup>1</sup> Fifth Report, Committ. 1810, p. 85 See, in "Considerations on  
 the State of India," by A. Fraser Tytler, i. 113, a description of a vil-  
 lage in Bengal, which shows that the Indian continent was pervaded by  
 this institution

An association of a similar kind existed among the Mexicans. Ro-  
 bertson's America, iii. 283.

Some curious strokes of resemblance appear in the following particu-  
 lars of the Celtic manners, in the highlands and islands of Scotland.  
 "The peculiarities which strike the native of a commercial country,  
 proceeded in a great measure from the want of money. To the servants  
 and dependants, that were not domestics, were appropriated certain por-  
 tions of land for their support. Macdonald has a piece of ground yet,  
 called the bard's, or senachie's field. When a beef was killed for the  
 house, particular parts were claimed as fees by the several officers, or  
 workmen. The head belonged to the smith, and the udder of a cow to  
 the piper; the weaver had likewise his particular part, and so many  
 pieces followed these prescriptive clams, that the lord's was at last but  
 little." Johnson's Hebrides.

the harvest; each has his particular occupation assigned to him, and insensibly labours for all. Another practice very frequently prevails, of each proprietor changing his lands every year. It is found in some of the richest villages; and intended, I imagine, to obviate that inequality to which a fixed distribution would be liable."<sup>1</sup>

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The state of taxation is described by the same committee, in the following terms: "By the custom of the Hindu government, the cultivators were entitled to one half of the paddy produce (that is, grain in the husk) depending on the periodical rains. Of the crops from the dry grain lands, watered by artificial means, the share of the cultivator was about two-thirds. Before the harvest commenced, the quantity of the crop was ascertained, in the presence of the inhabitants and village servants, by the survey of persons, unconnected with the village, who, from habit, were particularly skilful and expert, in judging of the amount of the produce, and who, in the adjustment of this business, were materially aided by a reference to the produce of former years, as recorded by the accountants of the villages. The quantity which belonged to the government being thus ascertained, it was received in kind, or in money." Of garden produce, of which the culture was more difficult, a smaller portion was taken; because, if field culture was taxed as much as it could bear, it seems to have been supposed that garden culture, at an equal rate of taxation, could not have been carried on.

"Such," continue the committee, "were the rights of the ryots, according to the ancient usage of the country. In consequence, however, of the changes

<sup>1</sup> Fifth Report, ut supra, p. 723.

BOOK II. introduced by the Mahomedan conquest, and the many  
CHAP. 5. abuses which later times had established, the share  
 really enjoyed by the ryots was often reduced to a sixth, and but seldom exceeded a fifth. The assessments had no bounds but those which limited the supposed ability of the husbandman. The effects of this unjust system were considerably augmented by the custom, which had become common with the Zemindars, of sub-renting their lands to farmers, whom they armed with unrestricted powers of collection, and who were thus enabled to disregard, whenever it suited their purpose, the engagements they entered into with the ryots; besides practising every species of oppression, which an unfeeling motive of self-interest could suggest. If they agreed with the cultivators at the commencement of the year, for a rent in money, and the season proved an abundant one, they then insisted on receiving their dues in kind. When they did take their rents in specie, they hardly ever failed to collect a part of them before the harvest time had arrived and the crops were cut; which reduced the ryots to the necessity of borrowing from money lenders, at a heavy interest of 3, 4, and 5 per cent. per month, the sums requisite to make good the anticipated payments that were demanded of them. If, from calamity or other cause, the ryots were the least remiss in the discharge of their rents, the offices of the renters were instantly quartered upon them; and these officers they were obliged to maintain, until they might be recalled on the demand being satisfied. It was also a frequent practice with the renters to remove the inhabitants from fertile lands, in order to bestow them on their friends and favourites; and to oblige the ryots to assist them, where they happened to be farmers, in

the tilling of their lands; and to furnish them gratuitously with labourers, bullocks, carts, and straw."<sup>1</sup>

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The two terms, Ryot, and Zemindar, introduced into this passage, are of frequent recurrence in the history of India, and require to be explained. By ryots, are always denoted the husbandmen; the immediate cultivators of the ground. The Persian term Zemindar, introduced by the Mahomedan conquerors, was in Bengal, and certain other parts of India, the name of a certain sort of middleman, between the cultivator who raised the crop, and the king who received the greater part of the net produce. Into the controversy respecting the nature of the interest which the Zemindar possessed in the land with respect to which he performed his function of middle-man, I shall not at present enter. Another occasion will present itself for the examination of that subject. It is here sufficient to say, that in districts, sometimes of greater, sometimes of less extent, a person, under the title of Zemindar, received the share of the produce, which was exacted from the ryot; either by himself, or the persons to whom he farmed the receipts; and paid it over to the sovereign, reserving a prescribed portion to himself. The Zemindar was thus, whatever else he might be, the collector of the revenue, for the district to which he belonged. As the receipt of revenue, in a rude state of government, is the business most dear to the governors, the Zemindar, in order the better to secure this favourite end, was vested with a great share of the powers of government. He was allowed the use of a military force; the police of the district was placed in his hands; and he was vested with the civil branch of judicature. When his district was

<sup>1</sup> Fifth Report, ut supra, p. 81, 82.

BOOK II. large, he was a sort of a petty prince. In various  
 CHAP. 5. places of India, however, the collection of the revenue had never become fixed and hereditary, in the hands of an individual, and the business was transacted between the immediate cultivators, and a man who possessed none but the characteristics of an immediate officer of government.

The committee say, that a rate of taxation much more severe than that which existed under the Hindu governments was introduced by the Mohamedan rulers, and amid the abuses of modern times. For this opinion they have no authority whatsoever. It is, therefore, a mere prejudice. The rate which they mention goes far beyond the scale of the ancient ordinances: And what reason is there to believe that the ancient Hindu governments did not, as the Mohamedan, levy assessments to the utmost limits of the supposed ability of the ryots? In those parts of India which Europeans have found still remaining under Hindu governments, the state of the people is worse, if there is any difference, than where they have been subject to the Mohamedan sway.

The rate established in the ancient ordinances has been regarded as evidence of mild taxation, that is, of good government. It only proves that agriculture was in its earliest, and most unproductive state; and though it paid little, it could not afford to pay any more.<sup>1</sup> We may assume it as a principle, in which there is no room for mistake, that a government constituted and circumstanced as that of the

<sup>1</sup> By the same rule, the Turkish government would be ranked as excellent. It takes little: but the reason is, there is nothing more which it can take. The ancient assessment on the cultivator in Persia was one-tenth; but in the days of the Indian Emperor Akbar, he was by one means or other made to pay more than a half. Ayeen Akberry, Ed. in 4to p 348.

Hindus had only one limit to its exactions, the non-existence of any thing further to take. Another thing is certain, that under any state of cultivation, but the very worst, if the whole except a sixth of the produce of a soil, so rich as that of Hindustan, had been left with the cultivator, he must have had the means of acquiring wealth, and of attaining rank and consequence; but these it is well ascertained that the ryots in India never enjoyed.<sup>1</sup>

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Notwithstanding these proofs that the ownership in the land was reserved to the king, this conclusion has been disputed, in favour, 1st, of the Zemindars, and 2dly, of the Ryots. The question with regard to the Zemindars may be reserved till that period of the history, when it was agitated for the sake of practical proceedings on the part of the government. The question with regard to the Ryots belongs peculiarly to this part of the work.

The circumstance, which appear to have misled the intelligent Europeans who have misinterpreted this part of the Hindu institutions, are two; first, the tenure of the ryot or husbandman; and secondly, the humane and honourable anxiety, lest the interests and the happiness of the most numerous class of the population should be sacrificed, if the sovereign were acknowledged as owner of the soil.

But, if this acknowledgment were ever so complete, it is inconsistent neither with the tenure which is claimed in favour of the ryots, nor with the means of their prosperity and happiness. And if it were, the acknowledgment of its previous existence would be no bar to a preferable arrangement; since the so-

<sup>1</sup> The population in India, through so many ages, must have been kept down by excess of exaction. Even in the richest parts of India one half of the soil has never been under cultivation.



BOOK II. vereign can have a right to nothing which is in-  
 CHAP 5 jurious to his people.

In a situation in which the revenue of the sovereign was increased in proportion to the number of cultivators, and in which a great proportion of the land continued void of cultivators, there would be a competition, not of cultivators for the land, but of the land for cultivators. If a ryot cultivated a piece of ground, and punctually paid his assessment, the sovereign would be far from any wish to remove him, because it would be difficult to supply his place. If the ryot sold the ground to another ryot, or left it to a successor, that is, put another in his place who would fulfil the wishes of the sovereign, he, whose source of fear was the want of a cultivator, had still cause for satisfaction; and seldom, if ever, interfered.

By custom, the possession of the ryot became, in this manner, a permanent possession; whence he was not removed except when he failed to pay his assessment or rent; a possession which he could sell during his life; or leave by inheritance when he died. As far as rights can be established by prescription, these rights were established in India in favour of the ryots. And no violation of property is more flagrant than that by which the tenure of the ryot is expunged.

But, according even to European ideas, a right to cultivate the land under these, and still greater advantages, is not understood to transfer the ownership of the land. The great estates in Ireland, for example, let under leases perpetually renewable, are vendible and inheritable by the leaseholders, without affecting the ownership of their lords; subject, moreover, to a very important restriction, from which the sovereigns in India were free;<sup>1</sup> the lords of such estates

<sup>1</sup> It is remarkable that the king's tenants in ancient demesne were, in

cannot raise their rents at pleasure; the sovereigns in India enjoyed this privilege, and abused it to excess. The sovereigns in India had not only the ownership, but all the benefit of the land; the ryots had merely the privilege of employing their labour always upon the same soil, and of transferring that privilege to some other person; the sovereign claimed a right to as much of the produce as he pleased, and seldom left to the ryots more than a very scanty reward for their labour.

That ownership in the land justified this extent of exaction, or implies a valid title to any power at variance with the interests of the ryots, is an erroneous inference. Without violating its obligations to the people, a government cannot spend any sum, beyond what is strictly necessary for the performance of the services, which it is destined to render: and it is justified in taking even this sum exclusively from the cultivators of the land, only if that is the mode in which all the qualities desirable in a financial system are the most completely realized.

Those who contend for the privileges of the ryots would no doubt observe, that in this mode of interpretation, we reduce the ownership of the sovereign to an empty name; and that to the admission of it, thus understood, they see nothing to object. The controversy is then at a close. The ownership of the sovereign in the soil, wherever it exists, is, by the principles which constitute the very foundation of government, reduced to the limits above described. And it is no less certain, that all which is valuable in the soil, after the deduction of what is due to the

England, perpetual, on the same condition as the ryots in India. *A gleba amoveri non poterint, quamdiu solvere possunt debitas pensiones.* Bracton, lib. i. cap. ii.

BOOK II sovereign, belongs of incontestable right to the Indian  
 CHAP 5 husbandman.<sup>1</sup>

<sup>1</sup> The following quotations will show how completely these deductions accord with the facts which the late perfect investigation has elicited. Mr Thackery, in his general report, remarks, "All this peninsula, except, perhaps, only Canara, Malabar, and a few other provinces, has exhibited, from time immemorial, but one system of land revenue. The land has been considered the property of the Circar [government], and of the ryots. The interest in the soil has been divided between these two, but the ryots have possessed little more interest than that of being hereditary tenants. If any persons have a claim to participate with government in the property of the soil, it is the ryots" (Fifth Report, ut supra, p. 992). These ideas, and even the very words, have been adopted, in the Report of the Board of Revenue. Ib. p. 898. "Lands," says Mr Place, "cannot be alienated without a written instrument, because both the sovereign and the subject have a mutual property in them. Each, however, may alienate his own, and the other is not affected. The sovereign may part with his interest in them, but the usufructuary right remains with the subject. And all that the latter can sell, mortgage, or give away, is the enjoyment of the profit, after paying what is due to the sovereign" (Ibid. p. 718). Mr Harris, in his report on Tanjore, informs us, "A meerassadar (ryot) disposes of his station in any manner he pleases. He disposes of it, too, and quits, without being bound to give, to any one, notice of his transfer and departure. Like him, his successor superintends its cultivation, and pays its revenue. Government knows nothing of his relinquishment, and if they knew of it, they would not care about it here, as in Europe. The proprietorship of the land belongs to government or the landlord, and he who is entrusted with the duty of making it productive, lives upon it and cultivates it, so long as he pays its revenue, and no longer. But this occupation of it, while the superior is satisfied, has been converted by the meerassadar, into a right. They have made the right a property, and they retain, sell, lend, give, or mortgage, according to their inclination, the whole or any part of it" (Ibid. 829). Even Mr Hodgson, who is an advocate for raising the revenue through the instrumentality of Zemindars, affirms the rights of the cultivators to be incontestable. "I make," says he, "the following inductions: 1st that the cultivators have a right, every where, to pay a fixed tax for the land they occupy, 2dly that they have the right, universally, to occupy this land, so long as they pay the standard rent, 3dly that they have the right to sell or transfer, by deed, gift, or otherwise, the land they occupy, subject always to the condition of paying the standard rent, 4thly that they exercise the right, stated in the third position, wherever the standard rent has not been increased, so as to absorb all the profit on cultivation, or arable land is sufficiently scarce to be of value in the acquisition" (Ib. 979).

The Hindu mode of raising the revenue of the state, wholly, or almost wholly, by taking as much as necessary of the rent of the land, while it is the obvious expedient which first presents itself to the

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If the writer means, by saying that the cultivator had a *right* to pay no more than a fixed rent, that it would have been right or good to pay only in that manner, I maintain the same doctrine; but if he means that the cultivator ever *enjoyed* this right, the proposition is far from true. In every other respect I assent to the propositions of Mr. Hodgson. I also agree with him, when he says; "Provided the property in private estates, that is, the standard rent, and no more, be paid by these owners of private estates, I hold it to be a matter of very secondary importance to them, whether the rent is demanded of them by the ancient rajahs or polygars, the officers of Byjnuggur or Bednore government, the rajah coorg, the tehsildars of the Company, or the (to be created) zemindars of the Company." (Ib. 980.) The collector of Tanjore also thinks it not worth inquiring what ownership the sovereign has, provided the usufruct of the ryot is well defined and secured. (Ib. 831.) See Hodgson again to the same effect. (Ib. p. 926.) We are informed by Mr. Park, that in Africa, when a permission to cultivate a spot of ground has been granted by the sovereign, it is not resumed, while the revenue or rent is paid. (Travels, p. 261.) In China, Mr. Barrow assures us, that the cultivator, though in reality a tenant at will, is never dispossessed, but when he fails to discharge the stated engagements. "So accustomed," he adds, "are the Chinese to consider an estate as their own, while they continue to pay the rent, that a Portuguese in Macao had nearly lost his life for endeavouring to raise the rent upon his Chinese tenants." (Travels in China, p. 397.) Dr. Buchanan says, "The ryots or farmers have no property in the ground; but it is not usual to turn any man away, so long as he pays the customary rent. Even in the reign of Tippoo, such an act would have been looked upon as an astonishing grievance." (Journey through Mysore, &c. i. 124.) "The genius and tendency of all Hindu institutions is, to render offices, as well as property, hereditary." (Wilks's Hist. Sketches, p. 231.) "The king is the general heir of all his subjects; but when there are children to inherit, they are seldom deprived of their father's estate." (Dow's Hindostan, pref. p. xiii.) Η χωρα της πολιως αλλ' εδεν ηττον των κεκτημενων εκαστος κυριος εστι των λαβου. (Dio Chrysostom. Orat. 31. in Rhodiac.) Anquetil Duperron was the first of the Europeans who maintained that the ownership of the land was vested in the ryots. He has written a discourse upon the subject, in his work entitled, *Recherches Historiques et Geographiques sur l'Inde*. He proves what is now acknowledged, that a man might dispose of his farm, and was seldom turned out of it, while he continued to pay his taxes or rent. There is a learned and able chapter, in support of the same opinion, in "Historical Sketches of the South of India, by Col. Wilks."

BOOK II. rudest minds, has no inconsiderable recommendation  
 CHAP. 5. from science itself. Previous to allotment, the productive powers of the soil are the joint property of the community; and hence are a fund peculiarly adapted to the joint or common purposes and demands. If the whole of what is strictly rent were taken away, the application of labour and capital to the land would resemble the application of labour and capital to wood or iron; and the same principles, in both cases, would determine their reward.

But as the expense required for the services of government exceeds not a very small portion of the rent of the land, unless where the quantity is very minute, the greatest possible benefit is derived from the productive powers of the soil, when it is the property of individuals. The benefits of the soil have, accordingly, over the greater part of the globe, been employed, first, to supply in whole, or for the greater part, the necessities of government, next to enrich the individual occupant. The most remarkable exception to this rule is in modern Europe. After the conquests of the Gothic nations, the land was thrown in great portions into the hands of the leading men; and they had power to make the taxes fall where they chose; they took care accordingly that they should fall any where rather than upon the land; that is, upon any body rather than themselves. Further, as their influence over the sovereign made him glad to share with them what he derived from the taxes, they not only threw the burthen off their own shoulders, but taxed, as they have continued to do, and sometimes in a progressive ratio, to the present hour, the rest of the community for their benefit.

The objections to the Hindu system of providing for the expenses of government, arise rather from the mode, than the essence.

By aiming at the receipt of a prescribed portion of the crop of each year; and with a very imperfect distinction of the lands of different powers, the Hindus incurred most of the evils which a bad method of raising a tax is liable to produce. They rendered the amount of the tax always uncertain, and its pressure very unequal; they rendered necessary a perfect host of tax-gatherers; and opened a boundless inlet to partiality and oppression on the one hand; to fraud and mendacity on the other. A tax, consisting of any portion of the gross produce of the soil, raises the price of that produce; because the tax raised from the poorest of the cultivated land must be returned, along with the expense of cultivation, in the exchangeable value of its produce. In this manner a tax is levied upon the consumers of corn, which surpasses the sum paid to the government, and enriches the owners of the best land at the expense of the community.<sup>1</sup>

An expensive mode of raising the taxes is a natural effect of a rude state of society. We are informed by Sully, that the receipt into the French exchequer, in the year 1598, was only thirty millions of French money; while the sum, dragged out of the pockets of the people, was 150 millions. "The thing appeared incredible," says the statesman: "but by the due degree of labour, I made the truth of it certain."<sup>2</sup> The proportion was doubtless greater in Hindustan.

Receiving the taxes in kind was a practice which ensured a prodigious expense, and a waste, by which nobody gained. Scarcely any other mode seems to

<sup>1</sup> See a Dissertation on the Principles of Taxation, the most profound, by far, which has yet been given to the world, by David Ricardó, Esq in his work "On the Principles of Political Economy and Taxation."

<sup>2</sup> Mem. du Sully, liv. xx.

BOOK II. have been known to the Hindus in the time of their  
CHAP 5.  
 ancient institutions; and to a great degree it continued down to the latest period of their history.<sup>1</sup> How rude and inconvenient soever this practice must be regarded; we find several nations, who make a considerable figure in the history of the world, who have not in this respect advanced beyond the Hindus. It may not surprise any one, that taxes were raised in kind in the ancient empire of Mexico.<sup>2</sup> The greater part, though not the whole, were raised in the same manner, in Persia, even in the time of Darius Hystaspes;<sup>3</sup> and the mixture, at least, whatever the proportion, continues to the present day.<sup>4</sup>

<sup>1</sup> Among the Mexicans, says Dr. Robertson, "Taxes were laid upon land, upon the acquisitions of industry, and upon commodities of every kind exposed to sale in the public markets. These duties were considerable, but not arbitrary or unequal. They were imposed according to established rules, and each knew what share of the common burden he had to bear." *History of America*, iii 295, 229. The political descriptions of this admired historian are, commonly, by far too general, and thence vague. We cannot suppose that the Mexicans were more skilled in the policy of taxation than the Hindus.

<sup>2</sup> "As the use of money was unknown," says Robertson, (*Ibid.* p. 296,) "all the taxes were paid in kind, and thus not only the natural productions of all the different provinces in the empire, but every species of manufacture, and every work of ingenuity and art, were collected in the public storehouses." It is worthy of remark that the same mode of taxing handicrafts and labourers was adopted in Mexico as in Hindustan, "People of inferior condition (*Ibid.*), neither possessing land nor engaged in commerce, were bound to the performances of various services. By their stated labour the crown lands were cultivated, public works were carried on, and the various houses belonged to the emperor were built and kept in repair."

<sup>3</sup> It is remarkable that, in Persia, the use even of coined money was unknown till the time of Darius Hystaspes. The portion of tribute that was paid in gold and silver was received by weight. Herodot. lib. iv cap clxvi. Major Rennel, not aware that this was only a portion, and a small portion, of the Persian taxes, is exceedingly puzzled to account for the diminutive amount of the Persian revenues, and at last concludes that "the value of money was incredibly greater at that time than at present," *Rennel's Geography of Herodotus*, p. 516.

<sup>4</sup> *Lbn Haulal*, translated by Sir William Ouseley, p. 136. *Chardin's Travels in Persia*.

The whole revenue of China, with the exception of some trifling articles, is paid in kind.<sup>1</sup>

BOOK II.  
CHAP. 5.

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<sup>1</sup> Abbé Grosier, p. 76; Barrow's China, p. 499. Mr. Barrow informs us that a vast number of the vessels on the canals and rivers are employed in conveying the taxes to the capital. *Ib.* p. 508. In those countries on the Euxine Sea which early attained so high a state of civilization as to have a large export trade in grain, even the custom house duties, or the taxes on export and import, were levied in kind. We are informed by Demosthenes, *Orat. adv. Leptinem*, that Leucon king of Bosphorus, from which Athens derived her principal supplies, levied a duty of one thirtieth in kind upon all the corn shipped in his ports.



## CHAP. VI.

### *Religion.*

BOOK II. **IT** is difficult to determine whether the constitution  
CHAP. 6. of the government and the provisions of law, or Religion, have, among the Hindus, the greatest influence upon the lives of individuals, and the operations of society. Beside the causes which usually give superstition a powerful sway in ignorant and credulous ages, the order of priests obtained a greater authority in India than in any other region of the globe; and this again they employed with astonishing success in multiplying and corroborating the ideas on which their power and consequence depended. Every thing in Hindustan was transacted by the Deity. The laws were promulgated, the people were classified, the government was established, by the Divine Being. The astonishing exploits of the Divinity were endless in that sacred land. For every stage of life from the cradle to the grave; for every hour of the day; for every function of nature; for every social transaction, God prescribed a number of religious observances. And meditation upon his incomprehensible attributes, as it was by far the most difficult of all human operations, so was it that glorious occupation which alone prepared the intense votary for the participation of the Divine nature.

Of so extensive and complicated a subject, as the religion of the Hindus, a very general view can alone be taken here. All that is interesting to the politi-

cian and the philosopher, may, however, it is pre-BOOK II.  
sumed, be confined within a moderate space. The CHAP. 6.

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task is rendered difficult by the unparalleled vagueness which marks the language of the Brahmens respecting the nature of the gods, the vast multiplicity of their fictions, and the endless discrepancy of their ideas. Hence it is, that no coherent system of belief seems capable of being extracted from their wild eulogies and legends; and if he who attempts to study their religion is disposed, like themselves, to build his faith on his imagination, he meets with little obstruction from the stubborn precision of Hindu expressions and tenets.

Nothing is more curious than to trace the ideas concerning Divine power which the natural faculties of our race suggest to them at the various stages of their career. In the very rude and imperfect state in which society originated, the human mind can hardly so far enlarge its views as to draw conclusions respecting the universe. Those operations and events of nature, which more immediately concern mankind, and on which their happiness and misery depend, no doubt engage their eager curiosity. The causes of light and darkness, of drought and rain, of the thunder, of the hurricane, of the earthquake, suggest many an anxious inquiry; but to put all the objects of nature, and all the changes which they undergo, into one group of ideas, and to ask whence did the whole proceed, seems to be an operation too complicated, and too far removed from the ordinary track of his ideas, to be one of the first that takes place in the mind of a barbarian.

With regard to that other class of questions, which more easily occur to him, his nature very readily suggests an answer. Prior to experience and instruction, there is a propensity in the imagination to endow

BOOK II with life whatever we behold in motion; or, in ge-  
 CHAP. 6. neral, whatever appears to be the cause of any event.  
 A child beats the inanimate object, by which it has been hurt, and caresses that by which it has been gratified. The sun, which is the cause of day, the savage regards as a beneficent deity. A spirit resides in the storm; the woods and the waters are peopled with divinities; there is a god of plenty, and a god of want; a god of war, and a god of peace; a god of health, and a god of sickness. That this may be considered as a correct outline of the first religion which is suggested to the human mind, the laws of human nature, and the ideas which are found to prevail among rude tribes, appear sufficiently to evince.

But men are not long in making another step in their religious progress. Having made for themselves a theory with respect to the cause of the *events* which affect them, the origin too of the *things* which they perceive attracts their curiosity; and from asking the cause, first of one great object, and then of another, they come at last to put the general question, what is the cause and origin of the whole? There are very few, therefore, even among the most barbarous nations, who have not made an attempt to account for the origin of the universe, and in whose religious ideas some species of cosmogony is not involved. But, in answering the question respecting the origin of the universe, it is impossible that men should not be guided by their previous ideas. It follows, that among the divinities, whom they already adored, He, whom they regarded as the most powerful, should be selected as the Maker of the world. Were they placed in circumstances of tolerable tranquillity, this potent God would probably be the sun; were they a people almost constantly plunged in the horrors of war, the god of arms would naturally be

their chief divinity. Hence we see that in many nations of Asia, who at an early period seem to have been placed in favourable circumstances, the sun was supreme among the gods, and the great principle of the universe; among the turbulent and warlike tribes who inhabited the north of Europe, Odin, the god of war, was the supreme deity, and author of all things.

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CHAP. 6.

The Hindus had made considerable progress beyond the first and lowest stage of human society. It seems common, however, to retain for a long time the ideas which are then implanted; and, rather than eradicate the old to make of them a heterogeneous compound with the new. The Greeks and the Romans did not reject their Jupiter, and Mars, their gods of the mountains, trees, and rivers, when they rose to more comprehensive views of the universe; they only endeavoured to accommodate to these primary conceptions their new apprehensions and conclusions. In like manner, the Hindus have still their Indra, or the god of the firmament, Varuna, or the god of the waters, Rembha, the goddess of love; in the whole, a long and splendid catalogue of thirty-three crore.<sup>1</sup>

We have translations from the Hindu books of several passages containing accounts of the creation.<sup>2</sup>

<sup>1</sup> A crore is 100 lacs, and a lac is 100,000; so that thirty-three crore of deities is just 330 millions.

<sup>2</sup> Three of these from the Vedas themselves by Mr. Colebrooke, (As. Res. viii. 404, 421, 452); another account, translated from the Puranas by Mr. Halhed, is published in Maurice's History, (i. 407); Mr. Wilford has given us another, derived from the same source, (As. Res. iii. 358.) An account of the creation is prefixed to the Gentoo code translated by Halhed; we have another, in the French translation, entitled Bagavadam, of the Bhagavat. The author of the Ayeen Akbery informs us that no fewer than eighteen opinions respecting the creation were entertained in Hindustan, and presents us three as a specimen, of which the last, taken from the Surya Sidhanta, he says, is the most common.

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They differ from one another very widely in the minor forms and circumstances; but strongly resemble in the general character, and in the principal ideas. That contained in the sacred volume which bears the name of Menu may be taken as a standard, being more full and circumstantial than any of those which are given us from the Vedas; derived from a work of equal authority with the Vedas themselves, and exhibiting, as drawn up at a later period, the improvement, if any, which the ideas of the people had acquired. It is all vagueness and darkness, incoherence, inconsistency, and confusion. It is one of the most extravagant of all specimens of discourse without ideas. The fearless propensity of a rude mind to guess where it does not know, never exhibited itself in more fantastic and senseless forms.<sup>1</sup>

Beside accounts of what creation was, we have accounts of the mode in which the Hindu divinity performed the creation. If a man possessing refined and exalted notions of the Divine Nature were to describe the great work of creation, he would have the clearest conviction of his own incompetence; and, as Moses, he would attempt no more than by a few strokes to convey an idea of the magnitude of the task, and of the power and wisdom of him who performed it. If, far removed from this degree of knowledge and reflection, he will enter without hesitation upon a minute and detailed description both of the plan, and of its execution. If, however, the society in which he lives has attained any considerable improvement, the process which he conceives will indicate some portion of human wisdom; will, at least, be such as an instructed member

Ayeen Akbery, iii 6 The most important of all is that which I have referred to in the text, from the Institutes of Menu, ch 1 5, &c.

<sup>1</sup> See note A at the end of the volume

of that society, had he infinite power imparted to him, would devise for himself. On the other hand, if a description of the creation presents no idea but what is fantastic, wild, and irrational; if it includes not even a portion of that design and contrivance which appear in the ordinary works of man; if it carries the common analogies of production, in animal and vegetable life, to the production of the universe, we cannot be mistaken in ascribing it to a people, whose ideas of the Divine Being were grovelling.

“The self-existing power,” says Menu, “having willed to produce various beings, first with a thought created the waters.” This is not a despicable conception: but what succeeds? “He placed in these waters a productive seed.” This is one of those analogies to the growth of a plant or an animal which are generally the foundation of the cosmogony of a rude people. What next? The seed becomes an egg; which is a very extraordinary product; a wonderful course, too, for the self-existing power to follow in the formation of the universe. The other steps are not less amazing. In this egg the divine being deposited himself, and there he lay, in a state of inactivity, a whole year of the Creator, that is, according to the Hindus, 1,555,200,000,000 solar years of mortals.<sup>1</sup> At the end of this astonishing

<sup>1</sup> The length of a year of the Creator may be thus computed. A calpa, or grand period, containing the reigns of fourteen Menus, constitutes, Sir William Jones informs us (*Asiat. Research. i.* 237) one day of Brahma. This period comprises (see an accurate calculation, according to the books of the Hindus, in Mr. Bentley’s *Remarks on Ancient Eras and Dates, Asiat. Research. v.* 316) 4,320,000,000 years; and such is the length of one day of the Creator. A divine year again contains 360 days; and the multiplication of these numbers produces the amount which appears in the text. Mr. Wilford (see *Asiat. Research. iii.* 382) makes this computation in a manner, and with a result, somewhat different. “One year of mortals,” he says, “is a day and a night of the gods, and 360 of our years is one of theirs: 12,000 of their years, or

BOOK II. period he caused by his thought the egg to divide  
 CHAP 6 itself, and was himself born in the form of Brahma, the great forefather of all spirits;<sup>1</sup> thus, "from THAT-WHICH-IS, the first cause, was produced the divine male, famed in all worlds, under the appellation of Brahma."<sup>2</sup> This is celebrated in Hindu books as the great transformation of the Divine Being, from neuter to masculine, for the purpose of creating worlds; and under this masculine form of Brahma it was that he effected the rest of creation. The Hindus believe that he was engaged in it for no less than 17,064,000 years.<sup>3</sup> Of the two divisions of the egg from which he had just been freed, he framed the heaven above, the earth beneath, and in the midst the subtle ether, the eight regions, and the permanent receptacle of waters. The creation of mind is next described; but this will be more conveniently considered when we come to appreciate the notions of the Hindus in relation to thought. The creation however of man, or at least of the Hindus, is worthy of our particular regard. "That the human race might be multiplied, He caused the Brahmen to proceed from his mouth, the Cshatriya from his arm, the Vaisya from his thigh, and the Sudra from his foot." The analogy of ordinary descent is again the foundation of this fantastic imagination; and the Hindu could picture to himself the production of a human being, even by the Deity, only in the way of a species of birth. This analogy leads to a still more extravagant conceit for the creation of other races of

4,320,000 of ours, constitute one of their ages, and 2,000 such ages are Brahma's day and night, which must be multiplied by 360 to make one of his years."

<sup>1</sup> In other words, he was hatched

<sup>2</sup> Vide the quotation from the Institutes of Menu, in Note A at the end of the volume

<sup>3</sup> *Asiatic Research* ii 237 and 232

men, and living creatures. As if "The Mighty Power" could not produce them by his male virtue alone, "He divided his own substance, and became half male, half female. By this female the male half produced Viraj, a demigod and saint; Viraj, by the virtue of austere devotion, produced Menu, another demigod and saint." Menu again, "desirous," he says, "of giving birth to a race of men," produced ten lords of created beings; and these lords produced at his command "seven other Menus, and deities, and the mansions of deities, and great sages, and also benevolent genii, and fierce giants, blood-thirsty savages, heavenly quiristers, nymphs and demons, huge serpents and snakes of smaller size, birds of mighty wing, and separate companions of Pitris or progenitors of mankind; lightnings and thunderbolts, clouds and coloured bows of Indra, falling meteors, earth-rending vapours, comets, and luminaries of various degrees; horse-faced sylvans, apes, fish, and a variety of birds, tame cattle, deer, men, and ravenous beasts, with two rows of teeth; small and large reptiles, moths, lice, fleas, and common flies, with every biting gnat, and immoveable substances of distinct sorts. Thus was this whole assemblage of moveable and stationary bodies framed by those high-minded beings."<sup>1</sup>

But in the Hindu books we find applied to the Divinity a great variety of expressions, so elevated, that they cannot be surpassed even by those of the men who entertain the most sublime ideas of the Divine Nature. In the passage immediately quoted from Menu, he is described as the sole self-existing power, the soul of all beings, he whom the mind alone can perceive, who exists from eternity, and whom no being

<sup>1</sup> See Note B., at the end of the volume.



can comprehend. In a passage from the *Brahmāṇḍa Purāṇa*, translated by Mr. Wilford, he is denominated; "The great God, the great Omnipotent, Omniscient one, the greatest in the World, the great Lord who goes through all worlds, incapable of decay."<sup>1</sup> In a prayer, translated by Mr. Colebrooke, from one of the *Vedas*, he is called, "the pure Brahme, whom none can apprehend as an object of perception, above, around, or in the midst; the God who pervades all regions, the first-born; he, prior to whom nothing was born; who became all beings, himself the Lord of creatures; he, who made the fluid sky and solid earth, who fixed the solar orb and celestial abode, whom heaven and earth mentally contemplate; the mysterious Being, in whom the universe perpetually exists, resting on that sole support; in whom this world is absorbed, from whom it issues."<sup>2</sup> Without multiplying instances, it may shortly be stated that human language does not supply more lofty epithets of praise than are occasionally addressed to their deities by the Hindus.

To form a true estimate of the religion of this people, it is necessary by reflection to ascertain, what those expressions in the mouth of a Brahmen really mean. We shall incur the risk of completely deceiving ourselves, if, with the experience how naturally vague and general expressions, especially in such abstract and mental subjects, convey the most different ideas, to people in different stages of society, we take the lofty expressions of devotion in Hindu books as full and satisfactory evidence of lofty conceptions of the Divine Nature. It is well ascertained that nations, who have the lowest and meanest ideas of the Divine Being, may yet apply to him the most sounding epithets by which perfection can be expressed.

In tracing the progress of natural religion, through BOOK II.  
CHAP. 6. the different stages of intellectual acquirement, a very important fact is discovered; that language, on this subject, has a much greater tendency to improve, than ideas. It is well known how vile and degrading were the notions of the Divine Nature presented in the fictions of the Greek poets; insomuch that Plato deemed them unfit to be read;<sup>1</sup> yet the Brahmens themselves do not surpass the Greek poets in elevated expressions concerning the Deity. Orpheus, early and rude as is the period to which his poetry relates, thus describes the celestial King; “Jupiter, the sovereign; Jupiter, the original parent of all things; and Wisdom, the first procreator; and all-delighting Love: For in the mighty frame of Jupiter all are contained: One power, one godhead: He is the great Regent of all.”<sup>2</sup> Cæsar informs us that the Druids among

<sup>1</sup> He states that the only practical inference the youth could draw from the accounts delivered by the poets concerning the gods was; to commit all manner of crimes, and out of the fruits of their villainy to offer costly sacrifices and appease the divine powers; *ἀδίκητεον και ζυτεον απο των αδινηματων.* De Repub. lib. ii. 595, 6.

<sup>2</sup> Orphic. Fragm. vi. 366. Numerous passages might be produced:

*Zeus esin aithēr, Zeus de gē, Zeus douranos.*

*Zeus toi ta panta.* Euphorion.

*‘Eis Theos en pantessei.* Orphic. Frag. iv. 363.

Jane pater, Jane tuens, Dive biceps, biformis,

O! cate rerum sator; O! principium Deorum.

Verses from an ancient Choriambic poem, which are quoted by Terentianus Maurus de Metris.

*Zeus ē pro triwn Kρονιδων. ‘Outos esti των όλων δημιουργος.* Procl. in Platon. Tim. p. 95. It is almost needless to quote Homer’s

*Ζηνα τε μητιοεντα, Θεων πατερ’ ηδε και ανδρων.*

“The Araucanians [the native Indians of Chili] acknowledge a Supreme Being, the Author of all things, whom they call *PILLAN*, a word derived from *pulli* or *pilli*, the soul, and signifies the supreme essence; they also call him *Guenu-pillan*, the Spirit of heaven; *Buta-gen*, the Great Being; *Thalcove*, the Thunderer; *Vilvemvœ*, the Creator of all; *Vilpepilvœ*, the Omnipotent; *Mollgelu*, the Eternal; *Avnolu*, the Infinite, &c.” Molina, Civil Hist. of Chili, book II. ch. v.

A passage of Empedocles, containing the language of a pure theology, may be seen in Harris’s Philos. Arrangements, ch. viii. p. 162.

BOOK II. the ancient Gauls delivered many doctrines concern-  
 CHAP. 6. ing the nature of the universe, and the powers of  
 the immortal gods;<sup>1</sup> and it is remarkable that the  
 Greeks and the Romans were forcibly struck with the  
 similarity between the ideas of the Druids, and those  
 of the Brahmens of India, the Magi of Persia, the  
 Chaldeans of Assyria, and the priests of Egypt.<sup>2</sup> The  
 creed of the ancient Germans, as we are informed by  
 Tacitus, was, "that God is the Ruler of all: other  
 things are to him subject and obedient."<sup>3</sup> In the an-  
 cient Scandinavian mythology, the Supreme God was  
 described, as, "The author of every thing that exist-  
 eth; the eternal, the ancient, the living and awful  
 Being, the searcher into concealed things; the Being  
 that never changeth."<sup>4</sup> On the statue of the Eryp-  
 tian goddess Isis was this inscription; "I am every  
 thing past, every thing present, and every thing to  
 come."<sup>5</sup> The Deity was described by Zoroaster as  
 "The First, the Incorruptible, the Eternal, without  
 generation, without dissolution, without a parallel, the  
 charioteer of all which is good, inaccessible to bribes,  
 the best of the good, the wisest of the wise."<sup>6</sup> The  
 Getes asserted their deity Zamolxis to be the true  
 God, that besides him there was none other, and that  
 to him they went after death, being endowed with  
 spirits immortal.<sup>7</sup> Even the rude tribes of America,  
 wandering naked in the woods, "appear," says Ro-

<sup>1</sup> Cæsar. de Bel. Gal. lib. vi. cap. 13.

<sup>2</sup> See Henry's Hist. of Great Britain, i. 149; and the authorities there  
 adduced.

<sup>3</sup> Reguntur omnium Deus: cætera subjecta atque parentia. Tacit. de  
 Mor. Germ. cap. xxxv.

<sup>4</sup> See a translation from the Edda in Mallet's Introd. Hist. Den-  
 mark, i. ch. 5. and ii. p. 7, 8.

<sup>5</sup> Plutarch de Iside et Osiride.

<sup>6</sup> Euseb. Præp. Evang. lib. i. p. 42.

<sup>7</sup> Herodot. lib. iv. cap. 93, 91.

bertson, "to acknowledge a Divine Power to be the maker of the world, and the disposer of all events. They denominate him the Great Spirit."<sup>1</sup> Thus it appears how commonly the loftiest *expressions* are used concerning the gods, by people whose *conceptions* of them are, confessedly, mean.<sup>2</sup>

This important fact, however remarkable, is founded on principles of very powerful operation in the nature of man. The timid barbarian, who is agitated by fears respecting the unknown events of nature, feels the most incessant and eager desire to propitiate the Being on whom he believes them to depend. His mind works, with laborious solicitude, to discover the best means of recommending himself. He naturally takes counsel from his own sentiments and feelings; and as nothing to his rude breast is more delightful than adulation, he is led by a species of instinct to expect the favour of his god from praise and flattery. In an uncultivated mind, how strong this sentiment is, a very superficial knowledge of human nature may convince us. Mr. Foster, in his Travels over land from India, was overtaken by a storm in the Caspian Sea; and remarks that during the danger, "every man was imploring the Divine interposition in his own manner and language." "But my attention," says he, "was chiefly attracted by a Persian. His ejaculations were loud and fervent; and the whole force of his prayers was levelled at Ali; on whom he bestowed every title that could denote sanctity or military prowess. He

<sup>1</sup> Robertson's Hist. Amer. ii. 197.

<sup>2</sup> "Ces peuples (les Romains) adorent un Dieu supreme et unique, qu'ils appellent toujours *Dieu tres-grand, et tres-bon*; cependant ils ont bâti un temple a une courtisane nommée Flora, et les bonnes femmes de Rome ont presque toutes chez elles de petits dieux penates hauts de quatre ou cinq pouces; une de ces petites divinités est la déesse de tetons, l'autre celle de fesses; il y a un penat qu'on appelle le *dieu Pet*." Voltaire, Essai sur les Mœurs et l'Esprit de Nations, iv. 373.

BOOK II. called on him, by the name of the Friend of God; the  
 CHAP. 6. Lord of the Faithful; the Brandisher of the invincible sword; to look down on his servant, and shield him from the impending evil. Thinking also to obtain the more grace with the father, he would occasionally launch out into the praises of his two sons."

When the belief is once admitted that the Deity is pleased with panegyric, it is evident to what length the agitated and ignorant votary will speedily be carried. Whatever may be the phrases with which he begins; in a short time, the ardour of his fears incites him to invent new and stronger; as likely to prove more agreeable and prevalent. Even these, by a short use, become familiar to his mind. When they begin to be stale and feeble, he is again prompted to a new invention, and to more violent exaggerations.

Exhausting quickly the powers of his language, he has other expedients in store. The god, on whom his eulogies have been lavished, is that one, among the invisible powers, on whom his interests seem more immediately to depend: This deity is at first panegyrised on account of those operations alone which belong to his own department: The sun is originally applauded only as the Regent of day: the bountiful giver of light, and of all its attendant blessings: But when panegyric on this subject is exhausted, the unwearied adoror opens a new fountain of adulation: The operations of some divinity, whose department most nearly resembles that of the favourite deity, affords some circumstance which, it is imagined, might do honour to that patron god: It is accordingly, as a very artful expedient, immediately detracted from the one, and ascribed to the other: No sooner is the novelty of this new attribute decayed,

than the prerogative of some other divinity is invaded, and the great object of worship is invested with a new power or function of nature: This, it is evident, is a fertile discovery: The votary has many articles to add to his list of powers and functions, before he exhausts the provinces of the whole of the gods. He proceeds incessantly, however; adding to the works and dominions of the great divinity one province after another, till at last he bestows upon him the power and functions of all the gods. He is now the supreme deity, and all the rest are subordinate. He is the king of the celestial powers; or, what is still more sublime, their author or father; He from whom their very being and powers are derived. They still, however, retain their ancient departments; and he who was god of the winds remains the god of the winds; he who was god of the waters remains god of the waters. But they are no longer independent deities; they have now a superior, and are regarded in the light of his ministers or agents.

The ingenuity of fear and desire sometimes invents a higher strain of flattery still. The power, which is delegated to so many extraordinary beings, is regarded as a deduction from that which might otherwise be wielded by the supreme. And happy is the man, who first imagines he can inform the Divinity, that no such division and diminution of his power exists: That those supposed agents or ministers are not in reality beings endowed with the powers of the Almighty; that they are those powers themselves; the different modes in which he manifests himself. After this, he is the one God: He is all in all: From him every thing begins, in him every thing terminates: He unites all possible attributes: Like time, he has no beginning and shall have no end: All power belongs to him, all wisdom, and all virtue. Such is the pro-

BOOK II. gress of the language, not of knowledge and cul-  
 CHAP. 6. tivated reason, but of the rude and selfish passions of  
 a barbarian; and all these high and sounding epithets  
 are invented by men whose ideas of the divine nature  
 are mean, ridiculous, gross, and disgusting.

Some of the most enlightened of the Europeans who have made inquiries concerning the ideas and institutions of the Hindus, have been induced, from the lofty epithets occasionally applied to the gods, to believe and to assert that this people had a refined and elevated religion. Nothing is more certain than that such language is far from proof of such a religion. Yet ingenious men, from some of whom we have largely derived instruction, appear to have thought that no other proof was requisite; and, as on this evidence they adopted the opinion themselves, that others ought to receive it on the same foundation.<sup>1</sup>

<sup>1</sup> Among the similar proofs which might be produced, of sublime theological notions, may be quoted the following remarkable passage from Garcilasso de la Vega (Royal Commentaries, book II. ch. ii.) " Besides the sun, whom they worshipped for the visible God, to whom they offered sacrifice and kept festivals, the *Incas*, who were Kings, and the *Amautas*, who were philosophers, proceeded by the mere light of nature, to the knowledge of the true Almighty God our Lord, Maker of Heaven and Earth, as we shall hereafter prove by their own words and testimonies, which some of them gave of the Divine Majesty, which they called by the name of *Pachacamac*, and is a word compounded of *Pacha*, which is the universe, and *Camac*, which is the soul; and is as much as he that animates the world. \* \* \* Being asked who this *Pachacamac* was, they answered that it was he who gave life to the universe, sustained and nourished all things; but because they did not see him they could not know him; and for that reason they erected not temples to him, nor offered sacrifice, howsoever they worshipped in their hearts and esteemed him for the unknown God." And in book VIII. ch. vi. he gives us the following argument of an Inca, Topac Yupanqui, " Many say that the sun lives, and that he is the maker of all things: now it is necessary that the thing which is the cause of the being of another, should be assistant and operate in the production thereof; now we know that many things receive their beings, during the absence of the sun, and therefore he is not the maker of all things. And that the sun hath not life is evident, for that it always moves in its circle, and yet it is never weary; for if it had life it

Since the language employed by any people is a very fallacious test of the ideas which they entertain concerning the Divine Nature, it is necessary to investigate the circumstances, in their religious practice, or belief, which enable us in any degree to define their vague expressions. Those circumstances are few; but their evidence determinate. They are the operations ascribed to the Divinity, the services reputed agreeable to him, and the laws which he is understood to have ordained. If these correspond with the ideas of infinite power, wisdom, and goodness, we may believe with certainty that the sublime language is the expression of corresponding conceptions; on the other hand, where those operations, services, and laws, are in the highest degree unworthy of a perfect nature, we may be fully assured, that the sublime language is altogether without a meaning, the effect of flattery, and the meanest of passions, and that it is directly suggested, not by the most lofty, but by the most grovelling and base ideas of the Divine Nature.

Of the host of Hindu Divinities, Brahma, Vishnu, and Siva, are the most exalted. Other nations have

would require rest, as we do; and were it free, it would visit other parts of the heavens, into which it never inclines out of its own sphere; but, as a thing obliged to a particular station, moves always in the same circle, and is like an arrow which is directed by the hand of the archer." The Mexicans too, as we are informed by Clavigero, Hist. of Mexico, book VI. sect. 1, besides the crowd of their ordinary Deities, believed in "a supreme, absolute, and independent Being, to whom they acknowledged to owe fear and adoration. They represented him in no external form, because they believed him to be invisible; and named him only by the common appellation of God, in their language *Teotl*, a word resembling still more in its meaning than in its pronunciation the *Theos* of the Greeks; but they applied to him certain epithets which were highly expressive of the grandeur and power which they conceived him to possess. They called him *Ipalnemoani*, that is, "He by whom we live;" and *Tloque Nahuaque*, "He who is all in himself." Clavigero adds, "But their knowledge and worship of this Supreme Being was obscured, and in a manner lost, in the crowd of deities invented by their superstition."



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most frequently carried on the applause of *one* favourite deity, till they bestowed upon him alone all power in heaven and earth: The Hindus have distributed the creation and government of the universe among those three, denominating Brahma the creator, Vishnu the preserver, and Siva the destroyer.

Of the highest scene of operation in which the Divine Being can be contemplated by mortals, the creation of the universe, the conception, formed by the Hindus, is so far from corresponding with high and noble ideas of the creating power, that it is consistent only with the most base. This itself is a criterion of a religious system from which there is no appeal.

Of the peculiar functions of Vishnu and Siva no determinate conception appears to have been formed. They are two beings of mighty power, by whom great actions are performed; but there is no distinct separation of their provinces. Whenever indeed we seek to ascertain the definite and precise ideas of the Hindus in religion, the subject eludes our grasp. All is loose, vague, wavering, obscure, and inconsistent. Their expressions point at one time to one meaning, and another time to another meaning;<sup>1</sup> and their wild fictions, to use the language of Mr. Hume, seem rather the playsome whimsies of monkeys in human shape, than the serious asseverations of a being who dignifies himself with the name of rational.<sup>2</sup> Vishnu

<sup>1</sup> This is admitted even by those whom the occasional expressions of the Hindus have most strongly convinced of the sublimity of their sentiments. Mr. Colebrooke says, "There is indeed much disagreement and consequent confusion in the gradation of persons interposed by Hindu theology between the Supreme Being and the created world." *Asiat. Research* viii 412. Even Sir William Jones is constrained to confess that the Hindu "scheme of theology is most obscurely figurative, and consequently liable to dangerous misconception, that it is filled with idle superstitions, abounds with minute and childish formalities, with ceremonies generally absurd and often ridiculous." *Pref. to Institutes of Menu*

<sup>2</sup> *Hume's Essays*, ii 470.

is not unfrequently employed in the acts which properly belong only to a destructive power; and Siva is so far from answering to the title bestowed upon him, that he is a divinity hardly less beneficent than Vishnu himself.

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In the conception which the Hindus have formed of the government of the world, the visible agency of the Deity is peculiarly required. "I have passed," says the preserving god, "many births. Although I am not in my nature subject to birth or decay, and am the lord of all created beings, yet having command over my own nature, I am made evident by my own power; and as often as there is a decline of virtue, and an insurrection of vice and injustice in the world, I make myself evident; and thus I appear from age to age, for the preservation of the just, the destruction of the wicked, and the establishment of virtue."<sup>1</sup> "Aty Sechen himself," says another sacred book, "all-knowing as he is, could not number the metamorphoses and different forms under which Vishnu has appeared for the salvation of the universe."<sup>2</sup> Such are the Hindu ideas of the manner in which the power of the Divine Being is exerted in the government of the universe.

Of these visible appearances or incarnations of the divinity, ten, known in the Hindu mythology under the name of avatars, are peculiarly distinguished. The first, which is denominated the avatar of the fish, is thus described.<sup>3</sup> At the close of the last calpa, there was a general destruction, occasioned by the sleep of Brahma; his creatures in different worlds being drowned in a vast ocean. The strong demon Hagya-

<sup>1</sup> Bagvat-Geeta, p. 51, 52.

<sup>2</sup> Bagavadam, p. 11.

<sup>3</sup> I have merely abridged the account which is given by Sir William Jones in a literal translation from the Bhagavat, Asiat. Res. i. 230.

BOOK II. griva came near him and stole the Vedas, which had  
 CHAP. 6. flowed from his lips. When the preserver of the uni-  
 verse discovered this deed, he took the shape of a  
 minute fish, called sap'hari. A holy king named  
 Satyavrata then reigned. One day, as he was making  
 a libation in the river Critamala, the little fish said to  
 him, How canst thou leave me in this river water,  
 when I am too weak to resist the monsters of the  
 stream who fill me with dread? Satyavrata placed  
 it under his protection in a small vase full of water;  
 but in a single night its bulk was so increased, that it  
 could not be contained in the jar, and thus again ad-  
 dressed the prince: I am not pleased with living  
 in this little vase; make me a large mansion where I  
 may dwell in comfort. The king successively placed  
 it in a cistern, in a pool, and in a lake, for each of  
 which it speedily grew too large, and supplicated for  
 a more spacious place of abode; after which he threw  
 it into the sea, when the fish again addressed him:  
 Here the horned sharks and other monsters of great  
 strength will devour me; thou shouldst not, O  
 valiant man, leave me in this ocean. Thus repeatedly  
 deluded by the fish, who had addressed him with  
 gentle words, the king said, Who art thou that be-  
 guilest me in that assumed shape. Never before  
 have I seen or heard of so prodigious an inhabitant  
 of the waters, who like thee has filled up, in a single  
 day, a lake 100 leagues in circumference. Surely  
 thou art the great God whose dwelling was on the  
 waves. Salutation and praise to thee, O first male,  
 the lord of creation, of preservation, of destruction!  
 Thou art the highest object, O supreme ruler, of us  
 thy adorers, who piously seek thee. All thy delusive  
 descents in this world give existence to various be-  
 ings; yet I am anxious to know for what cause that  
 shape has been assumed by thee. The lord of the uni-

verse, loving the pious man, and intending to preserve him from the sea of destruction, caused by the depravity of the age, thus told him how he was to act: In seven days from the present time, O thou tamer of enemies, the three worlds will be plunged in an ocean of death; but in the midst of the destroying waves, a large vessel, sent by me for thy use, shall stand before thee. Then shalt thou take all medicinal herbs, all the variety of seeds; and, accompanied by seven saints, encircled by pairs of all brute animals, thou shalt enter the spacious ark, and continue in it secure from the flood, on one immense ocean, without light, except the radiance of thy companions. When the ship shall be agitated by an impetuous wind, thou shalt fasten it with a large sea serpent on my horn; for I will be near thee, drawing the vessel with thee and thy attendants. Thus instructed, the pious king waited humbly for the appointed time. The sea, overwhelming its shores, deluded the whole earth; and it was soon perceived to be augmented by showers from immense clouds. He, still meditating on the divine command, and conforming to the divine directions, entered the ship; when the god appeared again distinctly on the vast ocean in the form of a fish, blazing like gold, extending a million of leagues, with one stupendous horn, on which the king, as he had before been commanded, tied the ship with a cable made of a vast serpent. Afterwards the god, rising, together with Brahma, from the destructive deluge, which was abated, slew the demon Hagyagriva.

Such are the operations in the government of the universe which the religious ideas of the Hindus lead them to ascribe to the divine Being. The second appearance or avatar of the Præserver is of the same character, and suggested by similar views. Hirina-

BOOK II. cheren, a malignant and destructive giant, who del-  
 CHAP. 6. lighted in afflicting the earth, at last rolled it up into  
 a shapeless mass, and plunged down with it into the  
 abyss. On this occasion, there issued from the side of  
 Brahma, a being shaped like a boar, white, and ex-  
 ceedingly small, which in the space of one hour grew to  
 the size of an elephant of the largest magnitude, and  
 remained in the air. This being, Brahma discovered  
 to be Vishnu, who had assumed a body and become  
 visible. Suddenly it uttered a sound like the loudest  
 thunder, and the echo reverberated, and shook all the  
 corners of the universe. Shaking the full-flowing  
 mane which hung down his neck on both sides, and  
 erecting the humid hairs of his body, he proudly dis-  
 played his two most exceedingly white tusks: then  
 rolling round his wine-coloured eyes, and erecting his  
 tail, he descended from the region of the air, and  
 plunged head foremost into the water. The whole  
 body of water was convulsed by the motion, and be-  
 gan to rise in waves, while the guardian spirit of the  
 sea, being terrified, began to tremble for his domain,  
 and cry out for quarter and mercy. At length, the  
 power of the omnipotent having divided the water,  
 and arriving at the bottom, he saw the earth lying,  
 a mighty and barren stratum; then he took up the  
 ponderous globe (freed from the water) and raised it  
 high on his tusk: one would say it was a beautiful  
 lotos blossoming on the tip of his tusk. In a mo-  
 ment, with one leap, coming to the surface, by the  
 all-directing power of the Omnipotent Creator, he  
 spread it, like a carpet, on the face of the water, and  
 then vanished from the sight of Brahma.<sup>1</sup>

<sup>1</sup> For an account of this avatar, see an extract from the Mahabarat;  
 Asiatic Research, i. 154; Burtolomeo's Travels, book ii. ch. 7. The pe-  
 culiar description of the boar is taken from a translation by Mr. Hallied,  
 of a passage in the Puranas, published in Maurice's Hindustan, i. 407.

Of the third avatar we have so particular and remarkable a description, that it merits uncommon regard.<sup>1</sup> The soors, a species of angels, and all the glorious host of heaven, sat on the summit of Mount Meru, a fictitious mountain, highly celebrated in the books of the Hindus, meditating the discovery of the Amrecta, that is, being translated, the water of immortality: when Narayan<sup>2</sup> said unto Brahma, Let the ocean, as a pot of milk, be churned by the united labour of the soors and asoors; and when the mighty waters have been stirred up, the Amrecta shall be found. A great mountain, named Mandar, was the instrument with which the operation was to be performed; but the dew<sup>3</sup> being unable to remove it, they had recourse to Vishnu and Brahma. By their direction, the king of the serpents lifted up that sovereign of mountains, with all its forests and inhabitants; and the soors and asoors having obtained permission of the king of the tortoises, it was placed for support on his back, in the midst of the ocean. Then the soors and asoors, using the serpent Vasookée for the rope, the asoors pulling by the head, and the soors by the tail, began to churn the ocean;<sup>4</sup> while there issued from the mouth of the serpent, a continued stream of fire, and smoke, and wind; and the roaring of the ocean,

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<sup>1</sup> It is a passage translated from the Mahabarat, by Mr. Wilkins, in one of the notes to his translation of the Bagvat-Geeta, p. 145, 146, note 76.

<sup>2</sup> A name of Vishnu.

<sup>3</sup> Dew, written otherwise dewa, or deva, is a general name for a superior spirit.

<sup>4</sup> By twisting the serpent about the mountain, like a rope, and pulling it out first towards the one end, and then towards the other; which affords us a description of their real mode of churning: A piece of wood so formed as best to agitate the milk, was placed upright in the vessel, and a rope being twisted round it which two persons pulled alternately, one at the one end, and the other at the other, it was whirled round, and thus produced the agitation required.

BOOK II. violently agitated with the whirling of the mountain,  
 CHAP. 6. was like the bellowing of a mighty cloud. Mean-  
 while a violent conflagration was raised on the moun-  
 tain, by the concussion of its trees and other, sub-  
 stances, and quenched by a shower which the lord of  
 the firmament poured down; whence an heterogeneous  
 stream of the concocted juices of various trees and  
 plants, ran down into the briny flood. It was from  
 this milk-like stream, produced from those juices, and  
 a mixture of melted gold, that the soors obtained  
 their immortality. The waters of the ocean, being  
 now assimilated with those juices, were converted  
 into milk, and a species of butter was produced,  
 when the churning powers became fatigued; but  
 Narayan endued them with fresh strength, and they  
 proceeded with greater ardour to stir that butter of  
 the ocean. First, arose from it the moon; next,  
 Sree, the goddess of fortune; then the goddess of  
 wine, and the white horse, Oochisrava; afterwards  
 the jewel kowstobh; the tree of plenty; and the  
 cow that granted every heart's desire. Then the  
 dew Dhanwantaree, in human shape, came forth,  
 holding in his hand a white vessel filled with the  
 immortal juice, amreeta; which, when the asoors  
 beheld, they raised their tumultuous voices, and each  
 of them clamorously exclaimed, This of right is  
 mine! But as they continued to churn the ocean  
 more than enough, a deadly poison issued from its  
 bed, confounding the three regions of the world with  
 its mortal stench, until Siva, at the word of Brahma,  
 swallowed the fatal drug to save mankind. In the  
 mean while a violent jealousy and hatred, on account  
 of the amreeta, and the goddess Sree, sprung up in  
 the bosoms of the asoors. But Narayan, assuming  
 the form of a beautiful female, stood before them,  
 whose minds becoming fascinated by her presence,

and deprived of reason, they seized the amreeta and gave it unto her. But a dreadful battle arose between the soors and asoors, in which Narayan, quitting the female figure, assisted the soors. The elements and powers of nature were thrown into confusion by the conflict; but with the mighty aid of Narayan, and his weapon chacra, which of itself, unguided even by a hand, performed miraculous exploits, the soors obtained the victory, and the mountain Mandar was carried back to its former station. The soors guarded the amreeta with great care; and the god of the firmament, with all his immortal hands, gave the water of life unto Narayan, to keep it for their use. This was the third manifestation of the Almighty, in the preservation and government of the world.

The fourth I shall describe with greater brevity. Hirinacheren, the gigantic ruler, who rolled up the earth, and plunged with it to the bottom of the abyss, left a younger brother Hirinakassup, who succeeded him in his kingdom, and refused to do homage to Vishnu, but persecuted his own son, who was an ardent votary of that god. I, said he, am lord of all this visible world. The son replied, that Vishnu had no fixed abode, but was present every where. Is he, said his father, in that pillar? Then let him come forth; and rising from his seat, he struck the pillar with his foot; upon which Vishnu, bursting from it, with a body like a man, but a head like a lion, tore Hirinakassup in pieces, and placed his son upon the throne.<sup>1</sup>

In the fifth, the sixth, and the seventh avatars, the Preserving Power appeared in human shapes for the destruction of impious and ferocious kings, per-

<sup>1</sup> Asiat. Research. i. 154.



forming many heroic and many miraculous deeds. But, after the examples which have already been given, a particular description of these extravagant legends would poorly compensate the toil of a perusal. The eighth, however, is one of the most celebrated of all the incarnations of Vishnu. He was born the son of Vasudeva and Devaci, of the royal family of Cansa, and obtained the name of Crishna. But as it had been predicted to Cansa, that one born of those parents would occasion his destruction, whence he had decreed the death of all their children, Crishna was secretly withdrawn, and brought up in the family of a shepherd or herdsman. Many and wonderful were the transactions of his childhood, in which the wanton pranks of the mischievous, but amiable boy, are not less distinguished, than the miraculous exploits of the god. When he grew up to youth, the indulgence of licentious love was his great occupation and enjoyment. It is a small part of the picture which I can, or which I need, to expose to view. The scenes with the young shepherdesses are painted by the Hindus in all the glowing colours of oriental poetry. A passage from a hymn, or divine song, translated by Sir William Jones, is in the following words: "*With a garland of wild flowers, descending even to the yellow mantle that girds his azure limbs, distinguished by smiling cheeks, and by ear-rings that sparkle as he plays, Heri<sup>1</sup> exults in the assemblage of amorous damsels. One of them presses him with her swelling breast, while she warbles with exquisite melody. Another, affected by a glance from his eye, stands meditating on the lotos of his face. A third, on pretence of whispering a secret in his ear, approaches his temples and kisses them with*

<sup>1</sup> A name of Vishnu.

ardour. One seizes his mantle, and draws him towards her, pointing to the bower on the banks of Yamuna, where elegant vanjulas interweave their branches. He applauds another who dances in the sportive circle, whilst her bracelets ring, as she beats time with her palms. Now he caresses one, and kisses another, smiling on a third with complacency; and now he chases her whose beauty has most allured him. Thus the wanton Heri frolics, in the season of sweets, among the maids of Vraja, who rush to his embraces, as if he were pleasure itself assuming a human form; and one of them, under a pretext of hymning his divine perfections, whispers in his ear: Thy lips, my beloved, are nectar.”<sup>1</sup> I shall select but another instance, which is from the translation before us of the Bhagavat. “Crishna, finding himself on the banks of the Yamuna,<sup>2</sup> began to play on his pastoral flute. All the shepherdesses, filled with desire, ran in crowds to hear his enchanting sounds. Crishna, beholding them burning with desire, informed them, that it was contrary to the order established in the world, to quit their houses to seek the embraces of a lover. He added that their families might thus, if their husbands were jealous, be thrown into disorder, and disgrace come upon themselves. He advised them accordingly to return. The women replied, that their passion, it was true, were it for an ordinary man, would be criminal; but desiring to unite themselves with the absolute master of all things, they could not believe that such an impulse was any other than meritorious. In regard to their husbands, they could have no rights which tended to the exclusion of God. Crishna, who saw

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CHAP. 6.<sup>1</sup> Asiat. Research. i. 187.<sup>2</sup> This is spelt Emuney in the French translation.

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the innocence of their hearts, graciously gave them entire satisfaction; and by a miracle continually renewed, in all that multitude of women, each was convinced that she alone enjoyed the Deity, and that he never quitted her an instant for the embraces of another."<sup>1</sup> "Crishna," says Sir William Jones, "continues to this hour the 'darling god of the Indian women. The sect of Hindus," he adds, "who adore him with enthusiastic and almost exclusive devotion, have broached a doctrine which they maintain with eagerness, and which seems general in these provinces;<sup>2</sup> that he was distinct from all the avatars, who had only a portion of his divinity; while Crishna was the person of Vishnu himself in a human form."<sup>3</sup> "At a more advanced age," continues Sir William, "he put to death his cruel enemy, Cansa; and having taken under his protection the king Yudhisht'hira and the other Pandus, who had been grievously oppressed by the Curus, and their tyrannical chief, he kindled the war described in the great epic poem, entitled the Mahabharat, at the prosperous conclusion of which he returned to his heavenly seat in Vaicant'ha, having left the instructions comprised in the Gita with his disconsolate friend Arjoon."<sup>4</sup> He was after-

<sup>1</sup> Bagavadant, p. 60 This indeed was but a trifle, for with his 16,000 or 17,000 wives he could perform the same feat. See Halh-d's translation of the Bhagavat, in Maurice's Hind. vol. II.

<sup>2</sup> He means, the provinces where he then resided, Bengal, &c.

<sup>3</sup> Asiatic Research I. 260

<sup>4</sup> Ib. I. 261 He sometimes, however, met with severe repulses. Caljuna, a prince who resided in the western parts of India, was very near defeating his ambitious projects. Indeed, Crishna was nearly overcome and subdued, after seventeen bloody battles, and according to the express words of the Puranas, he was forced to have recourse to treachery, by which means Caljuna was totally defeated in the eighteenth engagement." Wilford, on Chron. of Hindus, Asiatic Research v. 288.

wards slain, being wounded by an arrow in the foot.<sup>1</sup>

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The ninth incarnation of Vishnu, and the last, yet vouchsafed, of the Divine appearances, was in the person of Buddha. The object of this avatar is described in the following verse of a Hindu poet: "Thou blamest, Oh wonderful, the whole Veda, when thou seest, O kind-hearted, the slaughter of cattle prescribed for sacrifice, O Cesava,<sup>2</sup> assuming the body of Buddha. Be victorious, O Heri,<sup>3</sup> lord of the universe!"<sup>4</sup> But though Buddha is by the Hindus regarded as a manifestation of the Divine Being, the sect of Buddhists are regarded as heretical, and are persecuted by the Brahmens. It is conjectured that, at one time, a great number of them had been compelled to fly from the country, and spread their tenets in various directions.<sup>5</sup> The religion of Buddha is now found to prevail over the greater part of the East; in Ceylon, in the farther peninsula, in Thibet, in China, and even as far as

<sup>1</sup> Bagavadam, p. 313. "The whole history of Crishna," (says Anquetil Duperron, in his *Observations on the Bhagavat*, in the *Recherches Historiques et Geographiques sur l'Inde*) "is a mere tissue of Greek and Roman obscenities, covered with a veil of spirituality, which, among the fanatics of all descriptions, conceals the most abominable enormities." Speaking of a temple of Vishnu, at Satymangalam, in the Mysore, Dr. Buchanan says, "The rath, or chariot, belonging to it is very large, and richly carved. The figures on it, representing the amours of that god, in the form of Crishna, are the most indecent that I have ever seen." Buchanan's *Journey through Mysore*, &c. ii. 237.

<sup>2</sup> A name of Vishnu.

<sup>3</sup> Another name of Vishnu, vide *supra*, p. 306.

<sup>4</sup> *Asiat. Research.* ii. 121.

<sup>5</sup> "As to Buddha," says Sir William Jones, (*Disc. on the Gods of Greece, Italy, and India*) "he seems to have been a reformer of the doctrines contained in the Vedas; and, though his good nature led him to censure these ancient books, because they enjoined the sacrifices of cattle, yet he is admitted as the ninth avatar, even by the Brahmens of Casi."

BOOK II: Japan.<sup>1</sup> "The tenth avatar," says Sir William Jones, "we are told is yet to come, and is expected to appear mounted (like the crowned conqueror in the Apocalypse) on a white horse, with a cimeter blazing like a comet, to mow down all incorrigible and impenitent offenders who shall then be on earth."<sup>2</sup>

It will require the addition of but a few passages more of this wild mythology, to convey a satisfactory idea of the actions and qualities which the Hindus ascribe to their supreme deities. "It is related," says Mr. Wilford,<sup>3</sup> "in the Scanda,<sup>4</sup> that when the whole earth was covered with water, and Vishnu lay extended asleep in the bosom of Devi,<sup>5</sup> a lotos arose from his navel. Brahma sprang from that flower, and looking round without seeing any creature on the boundless expanse, imagined himself to be the first-born, and entitled to rank above all future beings. Resolving, however, by investigation, more fully to satisfy himself, he glided down the stalk of the lotos, and finding Vishnu asleep, asked loudly

<sup>1</sup> A controversy has been started, whether the religion of Buddha was derived from that of Brahma, or that of Brahma from the religion of Buddha. There seems little chance that data will ever be obtained, to prove either the one or the other. Clemens Alexandrinus would lead us to believe, that the religion of Buddha, in his time, must have been in high repute: *Επει δε των Ινδων*, says he, (Strom. lib. 1. p. 359) *ἡ τοῦ Βουττα πειθόμενοι παραγγέλμασι, ἡ δε ὑπερβολῶν σήμετερος ὡς θείῃ τιμῇ κασι.* (See also Hieronym. Cont. Jovian. lib. i. cap. 26.) This divinity was not confined to the Asiatics. There was a Butus, or Buto of Egypt, a Battus of Cyrene, and a Boeotus of Greece. (See Bryant's Analysis of Ancient Mythology, iii. 170.) One of the primitive authors of the sect of Manicheans took the name of Buddas; another that of Manes; both of them names identical with the names of gods and sacred beings among the Hindus. Beausobre Hist. de Manichee, liv. i. ch. i.

<sup>2</sup> Asiat. Research. i. 236. See also Ward's View, &c of the Hindus, (i. S. London Ed.) for an account of the ten avatars.

<sup>3</sup> Asiat. Research. iii. 374.

<sup>4</sup> This means literally the goddess.

<sup>5</sup> One of the Puranas.

who he was. I am the first-born, answered Vishnu, waking: and as Brahma contradicted him, they had an obstinate battle, till Mahadeva, or Siva, pressed between them in great wrath, saying, It is I who am truly the first-born: but I will resign my pretensions to either of you who shall be able to reach and behold the summit of my head, or the soles of my feet. Brahma instantly ascended; but having fatigued himself to no purpose in the regions of immensity, yet loth to abandon his claim, he returned to Mahadeva, and declared that he had attained the crown of his head, calling, as his witness, the first-born cow. For this union of pride and falsehood, the angry god ordained, that no sacred rites should be performed to Brahma. When Vishnu returned, he acknowledged that he had not been able to see the feet of Mahadeva, confessed him to be the first-born among the gods, and entitled to rank above them all.”

After a passage such as this, who would expect to find the following? “The patriarch Atterien retired into a forest, and there performed rigorous devotion, having for his nourishment nothing but the wind, and being exposed to all the injuries of the atmosphere. One day he addressed his vows to the Eternal in these words: O thou who hast created, and who preservest the universe; O thou by whom it is destroyed; give me the knowledge of thyself, and grant me the vision of thee! Then a fire issuing from the crown of the votary’s head, made all the gods tremble, and they had recourse to Vishnu, to Siva, and to Brahma. Those three divinities, completely armed and mounted, accompanied by Lacshmi, Guenga, and Seraswati, their wives, presented themselves before the saint. Prostrating himself, Atterien worshipped them, and uttered the following words: O you three Lords, know that I

BOOK II. recognise only one God: inform me which of you is  
 CHAP. 6' the true divinity, that I may address to him alone  
 my vows and adorations<sup>1</sup> To this supplication the  
 three Gods replied; Learn, O devotee, that there is  
 no real distinction between us: what to you appears  
 such is only by semblance: the Single Being appears  
 under three forms; by the acts of creation, of preservation,  
 and destruction: but he is One<sup>2</sup> Yet this  
 "Single" Being, this ONE God, is thus again represented,  
 a few pages after, in the same Purana:  
 "Even Brahma, finding himself alone with his  
 daughter, who was full of charms and knowledge,  
 conceived for her a criminal passion"<sup>3</sup> Thus are we  
 taught by the Hindus themselves to interpret the  
 lofty phrases which the spirit of exaggeration and  
 flattery so frequently puts into their mouths.

Of the First-born, Mahadeva, or the One, Eternal  
 God, under one of his forms, we have the following  
 sacred story. He was playing one day at dice with  
 Parvati,<sup>4</sup> when they quarrelled, and parted in wrath  
 to different regions. They severally performed rigid  
 acts of devotion, but the fires which they kindled  
 blazed so vehemently as to threaten a general conflagration.  
 The devas,<sup>5</sup> in great alarm, hastened to  
 Brahma, who led them to Mahadeva, and supplicated  
 him to recall his consort; but the wrathful deity  
 only answered, that she must come by her own  
 free choice They accordingly dispatched Ganga,  
 the river goddess, who prevailed on Parvati to return  
 to him, on condition that his love for her should be  
 restored. The celestial mediators then employed  
 Camadeva,<sup>6</sup> who wounded Siva with one of his  
 flowery arrows; but the angry divinity reduced him

<sup>1</sup> Bagavadam, p. 96, et seq.

<sup>2</sup> Ib. 178

<sup>3</sup> One of the names of his wife

<sup>4</sup> A general name of the inferior gods

<sup>5</sup> One of the devas

to ashes with a flame from his eye. Parvati soon after presented herself before him in the form of a Cirati, or daughter of a mountaineer, and seeing him enamoured of her, resumed her own shape.<sup>1</sup> Of the various passages of a similar nature presented to us in the history of this God, I shall content myself with another, extracted by Mr. Wilford, from the Scanda Purana. "There had subsisted," says he,<sup>2</sup> "for a long time, some animosity between Brahma and Mahadeva in their mortal shapes; and the latter, on account of his bad conduct, which is fully described in the Puranas, had it appears given much uneasiness to Swayambhuva, and Satarupa. For he was libidinous, going about stark-naked, with a large club in his hand. Be this as it may, Mahadeva, who was the eldest, saw his claim as such totally disregarded, and Brahma set up in his room. This intrusion the latter wanted to support; but made use of such lies as provoked Mahadeva to such a point, that he cut off one of his heads in his divine form." Such are the ideas which the Hindus entertain of the actions and character of their supreme deities; on whom, notwithstanding, they lavish all the most lofty epithets of divinity which human language can supply.

This theology affords a remarkable instance of that progress in exaggeration and flattery which I have described as the genius of rude religion. As the Hindus, instead of selecting one god, to whom they assigned all power in heaven and in earth, distributed the creation and administration of the universe among three divinities, they divided them-

<sup>1</sup> See this story as extracted from the Puranas, *Asiat. Research.* iii. 402.

<sup>2</sup> *Ib.* vi. 474.



BOOK II selves into sects; and some attached themselves more  
 CHAP 6. particularly to one deity, some to another.<sup>1</sup>

<sup>1</sup> Mr Paterson, in his *Discourse on the Origin of the Hindu Religion*, delineates a terrible picture of this Hindu controversy. The people separated, he tells us, "into sects, each selecting one of the triad, the particular object of their devotion, in preference to and exclusive of the others the followers of Vishnu and Siva invented new symbols, each, to ascribe to their respective divinity the attribute of creation. This contention for pre-eminence ended in the total suppression of the worship of Brhmma, and the temporary submission of Vishnu to the superiority of Siva, but this did not last long, the sects raised crusades against each other, hordes of armed fanatics, under the titles of Sanyasis and Viragis, enlisted themselves as champions of their respective faith, the former devoted their lives in support of the superiority of Siva, and the latter were no less zealous for the rights of Vishnu. alternate victory and defeat marked the progress of a religious war, which for ages continued to harass the earth, and inflame mankind against each other." *Asiat Research* viii 45, 46. Dr Buchanan informs us, "That the worshippers of the two gods (Vishnu and Siva,) who are of different sects, are very apt to fall into disputes, occasioning abusive language and followed by violence, so that the collectors have sometimes been obliged to have recourse to the fear of the bayonet, to prevent the controversy from producing bad effects." *Buchanan's Journey through Mysore, &c* i 13. The missionary Dubois observes, that "we see the two sects striving to exalt the respective deities whom they worship, and to revile those of their opponents." The followers of Vishnu vehemently insist that he is far superior to Siva, and is alone worthy of all honour. The disciples of Siva, on the contrary, no less obstinately affirm that Vishnu is nothing, and has never done any act, but tricks so base as to provoke shame and indignation, &c. *Description, &c of the People of India*, p 58. See too the *Missionary Ward, View, &c of the Hindoos*. Lond Fd Introd p 27.

The preface to (*Bhagavadam*) the French translation of the *Bhagavat*, by M D Obsonville, says, "The Indrans are divided into two orthodox sects, which, however, violently oppose one another, the one asserting the supremacy of Vishnu, the other of Siva. \* \* The Puranas," it says, "differ in their interpretations of the Vedas, some of them giving the supremacy to Brhmma, some to Vishao, and some to Siva. These books are, properly speaking, pieces of controversial theology. The Brahmins, who composed them, disputing to which of their three gods the supremacy belongs, support the pretensions of each by an enormous mass of mythological legends, and mystical opinions, in favour of the God whom the author adopts. All are equally supported by the authority of the Vedas."

Mr Colebrooke, describing the different sects of the Hindus, informs

Presently the usual consequence appeared. Which-  
 ever of the three gods any votary selected for his  
 peculiar patron, he expected to perform to him one of  
 the most agreeable of all possible services, by repre-  
 senting him as superior to the other two. This we  
 find to have been the practice, invariably, and enthu-  
 siastically. In a passage from the Scanda Purana,  
 one of the sacred books in honour of Siva, we have  
 seen by what legends his votaries endeavour to  
 elevate him above Brahma, and Vishnu; while he  
 cuts off the head of the one for contesting with him  
 the supremacy, and has it expressly yielded up to him  
 by the other. It is not, however, sufficient that the  
 favourite god should be only superior to the rest;  
 whatever honour is derived from their actions, that  
 too must be claimed for him; and he is asserted to be  
 himself the author of all their achievements.

A still higher strain of flattery succeeds. Not only  
 must he absorb their actions, it is accounted still  
 nobler if he can be asserted to absorb even them-  
 selves; if Siva, for example, can be affirmed, not only  
 to be Siva, and to be at once creator, preserver, and  
 destroyer, but can be declared to be Brahma, Vishnu,  
 and Siva themselves. Beyond even this, a step re-  
 mains. In the same manner as he absorbs the  
 gods, he is finally made to absorb every thing. He  
 is asserted to be the universe itself. He is then all in

us that "Sancara Acharya, the celebrated commentator on the Veda, contended for the attributes of Siva, and founded or confirmed the sect of Saivas, who worship Mahadeva as the Supreme Being, and deny the independent existence of Vishnu and other Deities. Madhava Acharya and Vallabha Acharya have in like manner established the sect of Vaishnavas who adore Vishnu as God. The Suras (less numerous than the two sects above mentioned) worship the sun, and acknowledge no other divinity. The Ganahatyas adore Ganesa, as uniting in his person all the attributes of the Deity." Note A. on the Religious Ceremonies of the Hindus. *Asiat. Research*, vii.

BOOK II all. We shall find this process pursued with the  
 CHAP. 6. Hindu divinities, one after another. In another  
 sacred book,<sup>1</sup> dedicated to Siva, that god is made to  
 declare, "I have always been, and I always am, and  
 I always will be. There is no second of whom I can  
 say that I am he, and that he is I. I am the within  
 of all the within. I am in all surfaces. Whatever  
 is I am; and whatever is not I am. I am Brahma;  
 and I am also Brahme; and I am the causing cause.  
 Whatever is in the east I am; and whatever is in the  
 west I am; and whatever is in the south I am; and  
 whatever is in the north I am. Whatever is below I  
 am; and whatever is above I am. I am man, and not  
 man, and woman. I am the truth; I am, the ox;  
 and I am all other animated beings. I am more an-  
 cient than all. I am the king of kings. And I am  
 in all the great qualities. I am the perfect being.  
 Whatever has been, Rudra<sup>2</sup> is; and whatever is he  
 is; and whatever shall be he is. Rudra is life, and is  
 death; and is the past, present, and future; and is all  
 worlds."<sup>3</sup> But if the votaries of Siva, with exag-  
 gerating devotion, thus infinitely exalt him above all;  
 the same, or, if possible, still greater honours, do the  
 adorers of Vishnu lavish upon that divinity. "Let it  
 not be thought," says the Bhagavat, "that Vishnu is  
 only one of the three divinities, or triple powers.  
 Know that he is the principle of all. It is he who  
 created the universe by his productive power; it is he  
 who supports all by his preserving power; it is he, in  
 fine, who destroys all by his destructive power. He

<sup>1</sup> The Oupnekhat, of which an ancient version into the Persian lan-  
 guage has been found. Anquetil Duperron published first some spe-  
 cimens of a translation from this in the *Recherches Historiques et Geo-*  
*graphiques sur l'Inde*, and has since published a translation of the whole  
 in Latin. There is a translation of it likewise among the late Mr. Al-  
 lein's manuscripts in the British Museum.

<sup>2</sup> One of the many names of Siva, or Mahadéva. <sup>3</sup> Oupnekhat, ix.

creates under the form of Brahma, and destroys under that of Sivā. The productive power is more excellent than the destructive, and the preserving more excellent than the productive. To the name of Vishnu, therefore, is attached the pre-eminence, since the title of preserver or saviour is peculiarly attributed to him."<sup>1</sup> In the Bhagvat-Geeta, Crishna is thus addressed; "O mighty being! who, greater than Brahma, art the prime creator! eternal god of gods! the world's mansion! thou art the incorruptible being distinct from all things transient! Thou art before all gods, and the supreme supporter of the universe! Thou knowest all things! By thee, O infinite form! the universe was spread abroad. Thou art Vayoo the god of winds, Agnee the god of fire, Varoon the god of oceans, Sasanka the moon, Prajapatee the god of nations! Reverence be unto thee before and behind, reverence be unto thee on all sides, O thou who art all in all! Infinite is thy power and thy glory! Thou includedest all things, wherefore thou art all things."<sup>2</sup> In a Sanscrit inscription taken from a stone

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<sup>1</sup> Bagavadam, p. 8, 9.

<sup>2</sup> Bhagvat-Geeta, p. 94: see similar strings of praises, Ibid. pp. 84 to 28; pp. 78, 79; p. 70. At p. 80 he is denominated, "The father and the mother of this world;" which affords another curious coincidence with the phraseology of other religions. The Orphic verses *περι φυσικως* make Jupiter the "father and mother of all things:"

*Πατων μιν σὺ πατὴρ, μητὴρ, &c.*—Hymn. ix. ver. 18.

Valerius Soranus calls Jupiter "the father and mother of the gods:"

Jupiter omnipotens, regum Rex ipse, Deūmque

Progenitor, Genetrixque Deūm; Deus unus et idem.

Apud Augustin. de Civitat. Dei, lib. iv. cap. xi. et lib. vii. cap. ix.

Synesius uses similar language:

*Σὺ πατὴρ, σὺ δ' ἑσσι μητὴρ,*

*Σὺ δ' ἄρστης, σὺ δὲ θελῶς.*—Synes. Hymn. iii.

Even Martial, in a sort of a Hymn, or eulogy upon Mercury, beginning

Hermes Martia seculi voluptas,

Hermes omnibus eruditus armis;

&c. &c., ends thus,

*Hermes omnia solus, et ter unus*—Mart. Ep. lib. iv. ep. 25.

"De Deo, ejusque cultu, ita Chaldæos tradidisse referunt; I. *Esse*

BOOK II. vine Nature, if we take such expressions of it as  
 CHAP. 6 abound in the Hindu writings for satisfactory evidence. By this token Mr. Park found it among the savages of Africa.<sup>1</sup>

In pursuance of the same persuasion, ingenious authors have laid hold of the term Brahme, or Brahm, the neuter of Brahma, the masculine name of the creator.<sup>2</sup> This they have represented as the peculiar appellation of the one god; Brahma, Vishnu, and Siva, being only names of the particular modes of divine action. But this supposition (for it is nothing more) involves the most enormous inconsistency; as if the Hindus possessed refined notions of the unity of God, and could yet conceive his modes of action to be truly set forth in the characters of Brahma, Vishnu, and Siva; as if the same people could at once be so enlightened as to form a sublime conception of the Divine nature, and yet so stupid as to make a distinction between the character of God and his modes of action. The parts of the Hindu writings, however,

<sup>1</sup> "The belief of one God," says he, "and of a future state of reward and punishment, is entire and universal among them" Park's Travels in Africa, p. 273

<sup>2</sup> Sir W. Jones says, (Discourse on the Gods of Greece, Italy, and India,) "It must always be remembered, that the learned Indians, as they are instructed by their own books, in truth acknowledge only one supreme being, whom they call Brahme, or the *Great One*, in the neuter gender they believe his essence to be infinitely removed from the comprehension of any mind but his own, and they suppose him to manifest his power by the operation of his divine spirit, whom they name Vishnu, the *Perceiver*, in the masculine gender, whence he is often denominated the first male \* \* \* \* When they consider the Divine Power exerted in creating, or in giving existence to that which existed not before, they call the Deity Brahma, in the masculine gender also, and when they view him in the light of *Destroyer*, or rather *changer* of forms, they give him a thousand names, of which Siva, Isa or Iswara, Rudra, Hara, Sambhu, and Mahadeva, or Mahesa, are the most common" Mr. Wilford (Asiat Research in 370) says that Brahma, Vishnu, and Mahadeva, "are only the principal forms, in which the Brahmins teach the people to adore Brahm, or the great one"

which are already before us, completely refute this gratuitous notion, and prove that Brahme is a mere unmeaning epithet of praise, applied to various gods ; and no more indicative of refined notions of the unity, or any perfection of the Divine Nature, than other parts of their panegyrical devotions. We have already beheld Siva decorated with this title.<sup>1</sup> Vishnu is denominated the supreme Brahme in the Bhagvat-Geeta.<sup>2</sup> Nay, we find this Brahme, the great, the

<sup>1</sup> Vide supra, p. 316.

<sup>2</sup> Bhagvat-Geeta, p. 84 The term Para Brahme, or Great Brahme, is applied, not once, but many times to Crishna, in the Bhagavat. See Halhed's translation in Maurice's Hindostan, ii. 342, 351, 354, 360, 375, 377, 379, 380, 417, 444. "The Sri Vaishnavam Brahmens," says Dr. Buchanan (Journey through Mysore, &c. i. 144), "worship Vishnu and the gods of his family only, and all over the Decan are almost exclusively the officiating priests in the temples of these deities. They alledge Brahma to be a son of Vishnu, and Siva the son of Brahma. Vishnu they consider as the same with Para Brahmā" (thus Dr. Buchanan spells it instead of Brahme) "or the supreme Being." Yet of this supreme Being, this Para Brahma, they believe as follows ; "One of the Asuras, or demons, named Tripura, possessed a city, the inhabitants of which were very troublesome to the inhabitants of Brahma Loka, the heaven of Brahma, who attempted in vain to take the place ; it being destined not to fall, so long as the women who resided in it should preserve their chastity. The angels at length offered up their prayers to Vishnu, who took upon himself the form of a most beautiful young man, and became Budha Avatara. Entering then into the city, he danced naked before the women, and inspired them with loose desires, so that the fortress soon fell a prey to the angels." Ibid. Even Vach, the daughter of Ambhrina, is decorated with all the attributes of divinity. Mr. Colebrooke gives us the following literal version of a hymn in one of the Vedas, which Vach, he informs us, "speaks in praise of herself as *the supreme and universal soul*" [the title which, it is pretended, exclusively belongs to Brahme]—"I range with the Rudras, with the Vasus, with the Adityas, and with the Viswadevas. I uphold both the sun and the ocean [metra and varuna], the firmament, and fire, &c. \* \* Me who am the queen, the conferrer of wealth, the possessor of knowledge, and first of such as merit worship, the gods render, universally, present everywhere, and pervader of all beings. He, who eats food through me, as he, who sees, who hears, or who breathes, through me, yet knows me not, is lost ; hear then the faith which I pronounce. Even I declare *this Self*, who is worshipped by gods and men. I make strong whom I choose ; I make him Brahme, holy and wise. For Rudra I bend the bow, to slay the demon, foe of